

MEETING  
NAVAL WEAPONS STATION  
SEAL BEACH DETACHMENT CONCORD  
RESTORATION ADVISORY BOARD

CLYDE COMMUNITY CENTER  
109 WELLINGTON AVENUE  
CLYDE, CALIFORNIA

MONDAY, AUGUST 5, 2002

7:00 P.M.

JAMES F. PETERS, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

ADVISORY BOARD MEMBERS

Marcus O'Connell, Community Co-Chairperson

Theresa Morley, Naval Co-Chairperson

Rudy Pontemayor, Navy

Mary Louise-Williams, Concord Resident

Dean McLeod, Contra Costa County Historical Association

Laurent, Meillier, Regional Water Quality Control Board

Raymond O'Brien, Bay Point Resident

Philip Ramsey, EPA Remedial Project Manager

Gil Rivera, US Navy

Tony Tactay, EFA West Navy

Gay Tanasescu, Resident

ALSO PRESENT

Joanna Canepa

Tom Pinard

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COMMUNITY CO-CHAIRPERSON O'CONNELL: Different toxic sites meet the community's -- are acceptable to the community.

And we'll basically start off with introductions for each, so that we all sort of know who each other is.

Okay. And also we'll have a public comment period for about ten minutes.

So with that, we'll go around and introduce ourselves.

My name is Marcus O'Connell. I'm the community Co-Chair. I'm a resident of Concord.

ADVISORY BOARD MEMBER TANASESCU: Gay Tanasescu, a Bay Point resident.

ADVISORY BOARD MEMBER O'BRIEN: Ray O'Brien, Bay Point resident.

ADVISORY BOARD MEMBER RAMSEY: Good evening. I'm Phillip Ramsey. I'm with the United States Environmental Protection Agency.

MS. RYAN: I'm Kelly Ryan.

MR. PINARD: I'm Tom Pinard, San Francisco, Public Affairs for the U.S. Navy.

MS. CANEPA: Joanna Canepa. I'm with Tetra Tech.

MS. HUNTER: Carolyn Hunter, Tetra Tech.

MS. FOGEL: Donna Fogel.

1 MR. FOGEL: Harold Fogel. I live in Concord.

2 MR. KAISER: John Kaiser, Regional Water Quality  
3 Control Board. And I'm now the DOD Manager for the  
4 Regional Board.

5 MR. ANDAL: Amado Andal, Naval Weapons Station,  
6 Concord.

7 MR. SMITH: Gregg Smith, a Public Affairs Officer  
8 for the Naval Weapons Station, Seal Beach, which is the  
9 headquarters command over the Naval Weapons Station here  
10 at Concord.

11 MR. BYRNE: Harry Byrne, Dana Estates  
12 Neighborhood Alliance.

13 MS. BYRNE: Beth Byrne, Concord resident.

14 MS. BAUMGARTNER: Helen Baumgartner, Concord  
15 resident.

16 MS. CARTER: I'm Tricia Carter with CH2M Hill.

17 MR. COOPER: David Cooper, U.S. Environmental  
18 Protection Agency.

19 MS. MORANO: Ms. Morano, Western Solutions.

20 MR. MCGEE: Ed McGee, Martinez.

21 ADVISORY BOARD MEMBER McLEOD: I'm Dean McLeod,  
22 Bay Point resident, Contra Costa County Historical  
23 Society.

24 ADVISORY BOARD MEMBER WILLIAMS: Mary Lou  
25 Williams, Concord resident.

1           ADVISORY BOARD MEMBER MEILLIER:  Laurent  
2  Meillier, Regional Water Quality Control Board.

3           ADVISORY BOARD MEMBER RIVERA:  Gil Rivera, U.S.  
4  Navy, Engineering Field Activity West.

5           ADVISORY BOARD MEMBER PONTEMAYOR:  Rudy  
6  Pontemayor, Naval Weapons Station, Concord.

7           NAVY CO-CHAIRPERSON MORLEY:  Theresa Morley,  
8  Installation Reservation Coordinator for Navy Region  
9  Southwest.

10          COMMUNITY CO-CHAIRPERSON O'CONNELL:  The next  
11 item is the public comment period.  And this is for  
12 anything that's not on tonight's agenda.  So if you have  
13 anything in general that you'd like to say or share with  
14 us, now is your time.

15          Is there anyone who would like to say anything in  
16 general?

17          ADVISORY BOARD MEMBER McLEOD:  I have a comment  
18 on something that's on the agenda.  But I'm a little  
19 concerned with it, that it's at the end of the thing.  
20 Will I have time to make a comment?

21          I'd like to comment about the public relations  
22 plan.  But I'm concerned about the timing because it is  
23 last on the agenda, isn't it?  Yes.  And I want to make  
24 sure that I have an opportunity to make more than a  
25 cursory comment.

1 NAVY CO-CHAIRPERSON MORLEY: I think we should be  
2 okay.

3 ADVISORY BOARD MEMBER McLEOD: Because it's not  
4 on the agenda till 9:00 o'clock. And we're all going to  
5 be fried by 9:00 o'clock.

6 NAVY CO-CHAIRPERSON MORLEY: 8:30.

7  
8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Make a  
9 motion to change it so that it is -- maybe, for instance,  
10 to exchange -- to exchange it with the Site Management  
11 Plan update, so it's from second to the third to the last?

12 ADVISORY BOARD MEMBER McLEOD: Well, this is  
13 something that's been on the -- it's been discussed and  
14 it's something really important for us to get on with for  
15 a long time, a long, long time. And putting it at the  
16 very tail end of the agenda -- in any meeting I've ever  
17 attended of any sort the last item on the agenda gets  
18 short shrift, and especially if it's a particularly  
19 important agenda item. So I would move to move it closer  
20 to the beginning of the agenda.

21 ADVISORY BOARD MEMBER TANASESCU: I'll second.

22 COMMUNITY CO-CHAIRPERSON O'CONNELL: Was there  
23 anyone who would -- let me ask this question, rather than  
24 being extremely hard. Is there anyone who would not like  
25 it on the -- to be last on the agenda, wouldn't mind

1 switching it?

2 Does it meet your approval, Theresa?

3 NAVY CO-CHAIRPERSON MORLEY: Oh, sure. That's  
4 fine.

5 COMMUNITY CO-CHAIRPERSON O'CONNELL: We'll just  
6 go ahead and change it then so that it's -- change the  
7 position so that we have the community relations plan at  
8 8:00 o'clock and the Site Management Plan at 8:30.

9 Okay. Any other public comment?

10 ADVISORY BOARD MEMBER RAMSEY: Hold on.

11 ADVISORY BOARD MEMBER PONTEMAYOR: I would like  
12 to take this opportunity to thank the community and the  
13 members of the Board.

14 I will be leaving Naval Weapon Station Concord.

15 And Ms. Theresa Morley will be taking over as the Navy  
16 Community Co-Chair of RAB.

17 And I thank you for all of your help in providing  
18 me with the challenge while I was at Concord. So this  
19 will be my last meeting, and I bid you all good-bye.

20 With that --

21 NAVY CO-CHAIRPERSON MORLEY: Congratulations,  
22 Rudy.

23 Rudy's moving on to Travis Air Force Base. So we  
24 thank you for all your help, and I appreciate that.

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: On behalf of



1 all the community RAB members, I'm sure many of the public  
2 that's attended here, I'd like to thank you for your good  
3 work as Navy Co-Chair.

4 ADVISORY BOARD MEMBER PONTEMAYOR: You're  
5 welcome.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: It's very  
7 much appreciated, and I enjoyed working with you during  
8 the time you were here. I hope that it's terrific where  
9 you're going, you know. I hope you don't have to put up  
10 with a bunch of RAB members.

11 ADVISORY BOARD MEMBER PONTEMAYOR: Believe me, I  
12 welcome the challenge.

13 Thank you.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: With that,  
15 I'll turn it over to my Co-Chair.

16 ADVISORY BOARD MEMBER TANASESCU: Are we done  
17 with public comments? I don't think we --

18 COMMUNITY CO-CHAIRPERSON O'CONNELL: Oh, I'm  
19 sorry.

20 ADVISORY BOARD MEMBER RAMSEY: I just want to  
21 make sure that Marcus understood.

22 You didn't stick in the community relations plan  
23 in the middle of the site investigation -- or on the IR  
24 sites and the SMP, did you? You didn't --

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: No, we

1 changed it to 8:00 o'clock.

2 ADVISORY BOARD MEMBER RAMSEY: You're going to  
3 move that to the start then or --

4 ADVISORY BOARD MEMBER O'BRIEN: No, to 8:00  
5 o'clock.

6 ADVISORY BOARD MEMBER RAMSEY: The thing is  
7 though, the way that the presentations will probably flow  
8 better for the schedule is to give the IR site summaries  
9 and then have the schedules. I mean, that's why we tried  
10 to put the -- you know, these installation restoration  
11 site summaries right before you go to the SMPs. You can  
12 either -- I'd probably suggest you either jump into the  
13 community relations plan, you know, at the start or where  
14 it is at the end of the agenda.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: Let's do it.  
16 Okay. We'll now have the community relations  
17 plan at 7:25 -- no, excuse me -- 7:40.

18 ADVISORY BOARD MEMBER TANASESCU: I had a  
19 comment, too. It was about the transcripts of the minutes  
20 that we received that are in five-point print.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: That's our  
22 next item.

23 MR. TANASESCU: Next item? I'm sorry.

24 NAVY CO-CHAIRPERSON MORLEY: Does anyone have  
25 comments on the transcripts?

1           ADVISORY BOARD MEMBER TANASESCU: My comment is,  
2 no one could read them.

3           NAVY CO-CHAIRPERSON MORLEY: Is that the one  
4 where it's the four to each page?

5           ADVISORY BOARD MEMBER TANASESCU: Well, we had  
6 four panels before on court transcripts, but these were  
7 reduced down in size, so they actually are about five  
8 point. And they're incredibly difficult to read.

9           Is that something we can --

10          NAVY CO-CHAIRPERSON MORLEY: Okay. Marcus has an  
11 example of it.

12          Okay. So you want this format here?

13          COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah.

14          NAVY CO-CHAIRPERSON MORLEY: Okay. That  
15 shouldn't be a problem.

16          ADVISORY BOARD MEMBER WILLIAMS: I just wanted to  
17 add to that. I even got out my grandma's reading glasses.  
18 And even with that I couldn't. And I probably have the  
19 oldest eyes in here. And so, you know, forget it.

20          NAVY CO-CHAIRPERSON MORLEY: Okay. Thank you.

21          We will take care of that.

22          Okay. Did anyone have any comments on the July  
23 1st transcripts besides they were too small? Or that you  
24 couldn't read them instead of you don't have any comments.

25          Actually, why don't we -- we'll probably redo

1 those and then mail those back out again. Is that okay?

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: I think that  
3 would be a good idea.

4 NAVY CO-CHAIRPERSON MORLEY: Okay. With that,  
5 we'll go ahead and go into the Committee reports and  
6 announcements.

7 And, Gil, if you don't mind, if I could just take  
8 a couple of minutes beforehand.

9 I sat down and talked with Marcus on the phone in  
10 some detail about things that we could do better. And he  
11 gave me a list of things. And I just wanted to report on  
12 the status of what we were doing with those.

13 And right now as it stands we're trying to award  
14 a contract with Tetra Tech, who's very familiar with the  
15 base, to do RAB and community-relations support. And one  
16 of the things is we have to write a new contract because  
17 the old contract vehicle that they were under, clinging  
18 to, you can't use anymore. So it's going to a fixed price  
19 contract.

20 So currently Gil's working on the scope of work  
21 for that. And he anticipates between negotiations and  
22 requests for proposals and all that stuff, that will be  
23 awarded some time in September.

24 Some of the things that we're looking at for that  
25 contract are the transcripts. What we're probably going

1 to do is have those e-mailed to everyone within ten days  
2 of the meetings so that you can make your corrections.  
3 And then once the corrections are made, those will be  
4 e-mailed so that you'll have them before the RAB meeting,  
5 the corrected transcripts. And that should be easier for  
6 the RAB to look at and approve.

7 The meeting minutes from the RPM meeting I think  
8 that they're going to the longer version of the meeting  
9 minutes, and that those will also be mailed to you.

10 And I think -- Gil, when did you say, those were  
11 probably going to be mailed out this week, because the  
12 meeting was just Wednesday?

13 ADVISORY BOARD MEMBER RIVERA: Certainly, if the  
14 meeting was held last week and we have ten days from the  
15 time the meeting is held to when we get the draft minutes  
16 of the remedial project managers' meeting, they are then  
17 reviewed by the agencies, by myself, and then sent out in  
18 the mail -- the minutes are distributed electronically or  
19 hard copy as -- if the case is appropriate.

20 NAVY CO-CHAIRPERSON MORLEY: Excuse me. One of  
21 the other things that was brought up was a document-review  
22 schedule. And what that will be is a schedule of all  
23 upcoming documents that will be sent to the RAB for review  
24 so that you know ahead of time. And those will be sent  
25 monthly of what's coming up, so there won't be any

1 surprises for you.

2 And, Gregg, can you talk about the web site?

3 MR. SMITH: Yes, the web site, which has been  
4 something that I've been threatening to do for months now  
5 is almost ready to go out the door. It's going to be a  
6 combination of things. Not just for the RAB. It's for  
7 anybody who wants to learn more about the Navy  
8 Installation Restoration Program. It's going to have a  
9 lot of background stuff on how an IR program works in  
10 general. It's going to have specifics on all the active  
11 sites at Concord, you know, where they're currently at.  
12 And we're going to slowly but surely -- my goal is to have  
13 every public document that has ever been created for this  
14 RAB as well as for our headquarters RAB down at Seal Beach  
15 on the web as well.

16 So when it first -- when this first goes out --  
17 oh, by the way, there will also be a large glossary and  
18 other assorted documents like CERCLA documentation and  
19 things along those lines, too.

20 When it first goes out there's just going to be  
21 background information because I've got kind of a web  
22 server problem. I've only got 60 megabytes left on my  
23 worldwide web server, so we're getting a more powerful  
24 hard drive to put in. But that's going to take a little  
25 while. So it's probably going to be a few weeks to a few

1 months before a large amount of documentation starts  
2 showing up. But the actual backbone web should be up  
3 within the next couple of weeks.

4           And what I'll do when that does go up is I'll  
5 e-mail all of you with the web address so you guys can  
6 click on it and have a look and see what you think. And  
7 I'm a big fan of constructive criticism. If anybody says,  
8 "Well, gosh, you know, it would be nice if you could put  
9 this somewhere" or "I don't like the way this was  
10 presented" or anything, you know, please e-mail me -- my  
11 web address is also on there -- and let me know.

12           NAVY CO-CHAIRPERSON MORLEY: And we thought this  
13 site was more appropriate than Southwest Division site at  
14 least on this site because we have access and control over  
15 this one.

16           MR. SMITH: You can go directly to me with  
17 complaints instead of having to get bounced around to a  
18 few people.

19           NAVY CO-CHAIRPERSON MORLEY: And you figure  
20 within two weeks we'll be able to start putting stuff on  
21 there, about?

22           MR. SMITH: Yeah, I should be completed with the  
23 site in a week. And it has to go through some internal  
24 Navy review, you know, because it's a publicly accessible  
25 site. And that should take about a week. So we're

1 looking at two weeks from today.

2 NAVY CO-CHAIRPERSON MORLEY: And then along with  
3 that, you've had Westin, which is Claudette, in the back  
4 start scanning documents to put on there. And one of the  
5 things that I needed was your priorities. What do you  
6 want to see on their first? So maybe if you could e-mail  
7 it to me so we know where to start. So it's most  
8 important to you.

9 And the only caveat I have to make to that is,  
10 because of DOD's security policies we can't put maps that  
11 have street names or -- what is -- street names --

12 MR. SMITH: Yeah, there's a current -- this is a  
13 post-911 Department of Defense web guidance where you  
14 can't have any maps of any military installations on a  
15 publicly accessible web site. So one thing we have to do  
16 before we can actually put these documents on the web is  
17 go back and redact them and remove maps. And although  
18 this will be a blanket statement that, you know, basically  
19 all maps have been removed, but they are accessible if you  
20 want to, you know, go over to the repository and look at  
21 them there. And that won't be all maps. That will just  
22 be maps that are militarily significant.

23 For instance, if there's a map just of the IR  
24 site that shows, for instance, monitoring wells or  
25 something like that, that wouldn't be removed. But



1 anything that showed a lot of information about the base,  
2 and especially base infrastructure, will probably have to  
3 be taken off.

4 That will slow down the process of getting stuff  
5 out there, but that's a short-term slow down, not a long  
6 term one.

7 NAVY CO-CHAIRPERSON MORLEY: Okay.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: So you'd  
9 like a list of the documents that we would give a high  
10 priority to?

11 NAVY CO-CHAIRPERSON MORLEY: Or you can even tell  
12 me the sites -- like, say, you want the litigation area  
13 sites all in there first and then the title area sites,  
14 just so that we know where to start, because there's a lot  
15 of information.

16 And then with the information repository, we were  
17 going -- and that contract is going to be a monthly audit.  
18 So the monthly audit will be able to check into everything  
19 that's supposed to be in there is in there. It will be on  
20 a spreadsheet that's also sent to you monthly so you can  
21 see what's in the information repository. And it will  
22 also include things that were added. So every time a  
23 document comes out, it would be added to that audit sheet.  
24 And that will be sent to you so that you have a better  
25 idea of what's in there.

1           And we're still looking on moving that. That  
2 one's going to take a little bit longer. But I thought  
3 this other stuff might be more important, so we're going  
4 to work on that first, and then look at a different  
5 location.

6           Also, this morning we looked at probably ten  
7 meeting rooms. And we had talked about moving to  
8 different locations so that other communities had access.  
9 The ones that looked pretty good was the Ambrose meeting  
10 room in Bay Point. And there was one in Pleasant Hill.  
11 And then the one in Concord, which was the City Hall.

12           MS. RYAN: I'm Kelly Ryan from Tetra Tech.

13           One was the Community Center at Pleasant Hill and  
14 the other Community Center at Concord.

15           NAVY CO-CHAIRPERSON MORLEY: On Willow Pass Road,  
16 Willow Pass Community Center.

17           And that would kind of help because it would  
18 spread out between Bay Point, Concord, you know, so that  
19 we can hit more of the communities surrounding the base.

20           ADVISORY BOARD MEMBER TANASESCU: So are you  
21 talking about the possibility of rotating every other  
22 month?

23           NAVY CO-CHAIRPERSON MORLEY: Um-hmm. Well,  
24 that's what we were going to talk to you guys about as we  
25 get -- send something out showing you what we went to and

1 the different facilities and why some were good and some  
2 weren't going to work. But -- and also the schedule. Are  
3 we going to stay at one place for three months and then  
4 move to another place for three months? Because we  
5 actually had a discussion with David Cooper, because  
6 initially I was against the idea because I didn't want to  
7 confuse people, that they would, you know, "Oh, no" --  
8 they come here and they're like "Where are they?" But he  
9 said that they do that at other bases and it's actually  
10 successful. But we're going to talk to you guys, you  
11 know, throw that idea around, too. But just so that you  
12 know there's other options, because this community  
13 center's a little bit small and we'd like to have it more  
14 like open so everybody can talk to each other.

15 And then the last thing, the TAP grant, CNO, the  
16 Chief of Naval Operations was supposed to approve that on  
17 July 31st. And they contacted Gil and they --

18 ADVISORY BOARD MEMBER TANASESCU: I'm sorry. I  
19 have a question. We have two?

20 NAVY CO-CHAIRPERSON MORLEY: Both of them, yes.

21 So they contacted Gil last Wednesday. And they  
22 need more information. They were concerned about the  
23 cost?

24 ADVISORY BOARD MEMBER RIVERA: The initial  
25 response I got from the Chief of Naval Operations person,

1 the overseas TAP, is that there was concern that -- about  
2 the low-dollar value of the request. However, that was  
3 not a -- as a person would call them, a show stopper.  
4 That's not a problem, if the RAB is comfortable with those  
5 dollar values.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: They want us  
7 to ask for more?

8 ADVISORY BOARD MEMBER RIVERA: Because the  
9 primary concern is that you could not count -- and  
10 estimate at \$6,000. The whole entire \$6,000 will not be  
11 applied to the effort. There are overhead costs that are  
12 taken out of that \$6,000 that will eat into the effort and  
13 actually doing review, preparing the report and things of  
14 that nature. So that's one thing that the CNO is  
15 concerned with.

16 ADVISORY BOARD MEMBER TANASESCU: My question  
17 then is is how do we know what those overhead costs are  
18 going to be in order to ask for the appropriate amount of  
19 money?

20 ADVISORY BOARD MEMBER RIVERA: The overhead costs  
21 are usually -- there are limits to the overhead costs  
22 based on percentages. My task now is to prepare a  
23 government cost estimate, forward it to CNO for both of  
24 those TAP requests. And once I do that, then I'll know --  
25 be able to tell you with more certainty when they will be

1 approved. Those were -- like I said, I spoke with the CNO  
2 on the 31st. And I hoped to do that last week. I didn't  
3 get to it, but I will do it this week.

4 ADVISORY BOARD MEMBER TANASESCU: So I guess my  
5 next question would be: Is that amount that you come up  
6 with going to be adding to the grant funds that we're  
7 requesting?

8 ADVISORY BOARD MEMBER RIVERA: Yes, that's in my  
9 initial thinking, so that to ensure that the RAB gets  
10 their -- you know, the full effort that they are  
11 contemplating using the dollars that were provided in your  
12 TAP requests.

13 COMMUNITY CO-CHAIRPERSON O'CONNELL: Just to be  
14 real explicit about that, the TAP -- the maximum amount we  
15 can ask for is \$25,000 annually, is that true.

16 ADVISORY BOARD MEMBER RIVERA: Yes, sir.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: Out of the  
18 \$25,000 there will be -- no overhead costs will be -- no  
19 naval overhead costs will be deducted from that -- the  
20 overhead costs were an add-on above it, over and above the  
21 \$25,000?

22 ADVISORY BOARD MEMBER RIVERA: The Navy will not  
23 add overhead costs for the Navy, per se. But the overhead  
24 costs are costs that are applied by the contractor. Okay,  
25 that particular contractor has operating expenses that are

1 tacked on.

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. And  
3 so --

4 ADVISORY BOARD MEMBER RIVERA: But once I prepare  
5 that paperwork, you know, make sure I coordinate with the  
6 RAB, to ensure that, you know, it's appropriate and you  
7 feel that's --

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: We were  
9 asked to recommend two contractors on the form. And I  
10 take it -- those contractors say that they have -- have  
11 you talked to those contractors?

12 ADVISORY BOARD MEMBER RIVERA: No, not yet. We  
13 don't have the approval to do so. Once we get the TAP  
14 approved, then I'm turning the paperwork over to their  
15 acquisition group, contracts group. And they actually  
16 speak initially to the contractors. I don't have any  
17 contact with the contractors until the proposals come in.  
18 I'm not allowed to speak to them.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'm not sure  
20 where this overhead comes in. Let me say, our  
21 contractor's overhead or the contractor --

22 ADVISORY BOARD MEMBER RIVERA: Yes.

23 COMMUNITY CO-CHAIRPERSON O'CONNELL: What do you  
24 mean by their overhead? They're going to charge per hour.  
25 And you mean they're like out-of-pocket expenses?

1           ADVISORY BOARD MEMBER RIVERA: Out-of-pocket  
2 expenses, the -- just to give you a for instance, not that  
3 all of these are applicable, but you have computer --  
4 computer time sometimes is calculated in; duplication of  
5 their reports; printing, if any. You know, you might have  
6 a person actually doing the technical review, preparing  
7 the initial comments and handing them off to a typist,  
8 someone who actually does the keying in of the actual  
9 report. I mean there are various things that go into  
10 overhead.

11           COMMUNITY CO-CHAIRPERSON O'CONNELL: Good idea.

12           NAVY CO-CHAIRPERSON MORLEY: Gil, did you want to  
13 give your RPM update.

14           ADVISORY BOARD MEMBER RIVERA: I'm Gil Rivera,  
15 the Navy Remedial Project Manager. Essentially my job --  
16 primary job is to manage the contract work and the  
17 technical work for the clean-up at the Naval Weapons  
18 Station Concord for the Installation Restoration program.

19           As Navy Remedial Project Manager, I was tasked  
20 previously in the RABs to produce a Remedial Project  
21 Manager's report. That report is distributed  
22 electronically. And I can see people here in the audience  
23 who probably did not receive copies of that report or the  
24 summary. So I did bring some extra copies if anybody  
25 wants extra copies.

1           My report is essentially a bulletized version,  
2 with bullets I can speak to. And it's not the preparation  
3 of a formal written report -- outline report.

4           Of course the item -- Bullet Number 1 was the  
5 Restoration Advisory Board. The Navy Remedial Project  
6 Manager and the technical staff that works for the Navy  
7 provides technical support to the Restoration Advisory  
8 Board.

9           The Site Management Plan. The Site Management  
10 Plan is the schedule for the prosecution or execution of  
11 the project work and the clean up of Concord Naval Weapons  
12 Station.

13           Navy and the agencies met on the 9th of July as a  
14 requirement of the Federal Facilities Agreement, which is  
15 a formal agreement between EPA Region 9 and the Department  
16 of Navy for the clean up of Concord.

17           This particular meeting was held to discuss the  
18 schedule or the Site Management Plan and to go over  
19 comments or areas of concern that the agencies had with  
20 the Navy proposal or the proposed schedule for the clean  
21 up.

22           EPA -- following that meeting EPA provided  
23 comments to the Navy. The Navy did, in fact, receive the  
24 comments on 17 July, the date required under the Federal  
25 Facilities Agreement.



1           Area of Concern 1. Area of concern is a site and  
2 what we call the title area. It is a site where the Navy  
3 is conducting a removal action or removal of contamination  
4 on the site. We do have routinely scheduled construction  
5 quality assurance meetings. It's an oversight that the  
6 Navy performs on any contractor working on the site.  
7 These are primarily fact-finding meetings. They're  
8 also -- they're designed for questions and answers if any  
9 unforeseen conditions crop up. The contractor and/or the  
10 Navy are able to discuss this across the table and come to  
11 some resolution.

12           But primarily they are the physical -- if you  
13 want to call it, the oversight that the Navy has of  
14 construction contractors and the resident officer in  
15 charge of construction who oversees the field work.

16           We did have two meetings in the month of July,  
17 one on the 16th and one on the 25th of July.

18           As I stated earlier, the Remedial Project  
19 Managers' meeting took place on the 30th of July. The  
20 meetings -- the meeting minutes will be distributed to the  
21 Restoration Advisory Board and to the agencies once they  
22 are reviewed by Navy and the agencies and finalized.

23           The electronic version of the Navy's Remedial  
24 Project Management report did have a copy of the Remedial  
25 Project Managers' meeting. Unfortunately, I only brought

1 one copy. But if you'd like, I can provide either hard  
2 copy or electronic copy this week to anyone who's  
3 interested in obtaining a copy of that agenda.

4 The deliverables for the month of July, both on  
5 July the 15th, for the draft final sampling and analysis  
6 plan for the investigation of arsenic in soil at Site 22.  
7 And also included in that deliverable was responses to  
8 agency comments on the draft sampling and analysis plan.

9 This is a deliverable that's required in the  
10 Federal Facilities Agreement. It was delivered on  
11 schedule. And the agencies are now reviewing the draft  
12 final sampling and analysis plan and will provide comments  
13 to the Navy.

14 And that essentially is my -- the Navy Remedial  
15 Project Managers' report.

16 NAVY CO-CHAIRPERSON MORLEY: Thank you very much,  
17 Gil.

18 Phil, did you want to give your report?

19 ADVISORY BOARD MEMBER RAMSEY: Yes. Thank you,  
20 Theresa, very quickly. I don't want to take a lot of time  
21 because I know we have a full agenda this evening.

22 I just want to add that this month, as we  
23 mentioned last month, essentially EPA was working on two  
24 big projects, have continued to do that this month.  
25 That's the schedules, the Site Management Plan.

1           I do have copies of the letter. EPA provided the  
2 formal comments to the Navy -- that after four weeks of  
3 the public review comments, so we've provided that. I do  
4 have extra copies of EPA's letter. And we had a  
5 discussion with the Navy back on August 1st also, just to  
6 elaborate to some of the discussions in addition to the  
7 meeting that Gil -- Mr. Rivera just mentioned.

8           And EPA did want to elaborate a little bit. We  
9 did provide some communication to the Navy on some  
10 outstanding issues that were associated with the Site One,  
11 which is the title area landfill ROD. So this month we  
12 provided two sets of information to the Navy to assist  
13 them in finalizing that ROD. And, very generally, just  
14 for the RAB members, in particular these apply to -- kind  
15 of two general subject areas that these communications  
16 apply to.

17           One is the institutional controls that have to do  
18 with the landfill, the long-term establishment of  
19 controls, and kind of paperwork to identify that site as a  
20 landfill, and some legal terminology that's needed in the  
21 Record of Decision.

22           And the other pertains to what in Superfund  
23 terminology is called the ARARs analysis. ARARs stands  
24 for the Applicable or Relevant and Appropriate  
25 Requirements. So a fancy term for the analysis that the

1 Navy does to determine the laws that apply to that site  
2 closure document.

3           So we provide additional comments on this  
4 evaluation of the appropriate laws that will direct the  
5 closure and the designs -- some of the design  
6 specifications of the landfill.

7           And we will continue to work through the Navy now  
8 that we have provided these comments on this -- this is  
9 for a Record of Decision on the landfill, Site 1. We'll  
10 be working through the Navy at this point. What we've  
11 discussed and agreed to do is to continue to work through,  
12 for probably about the next month or so in terms of  
13 timeframe, to wait -- at this point, to hear back from the  
14 Navy. Now, we provided that if our opinion and some  
15 positions and clarification on that decision document --  
16 we're waiting for the Navy to be able to come back to us  
17 and tell us either what it is they can or cannot do  
18 regarding those kind of land text changes.

19           And depending on that, at this point we have the  
20 FFA, so we either will resolve the disagreement and sign  
21 the Record of Decision, which could potentially happen  
22 within, you know, four to six kind of a timeframe, or  
23 we'll have a formal disagreement and things will get hung  
24 up, at which point we need to document that disagreement.  
25 And then we elevate it to higher ups. And so we're still

1 informally discussing with the Navy at my immediate  
2 supervisor. Like Mr. Kaiser here is with the Water Board  
3 for Laurent. We're discussing this problem and this  
4 document at our first supervisor level.

5           And if we cannot resolve it, then it does -- we  
6 formalize a disagreement, we write down our positions.  
7 And then these things go higher up for the higher, you  
8 know, supervisors to decide for us.

9           And that's it.

10           ADVISORY BOARD MEMBER O'BRIEN: Phillip, do we  
11 have copies of your latest comments on the landfill area?

12           ADVISORY BOARD MEMBER RAMSEY: What I -- no, you  
13 do not. And what we've done is -- what I'm going to do is  
14 we are providing those via electronic mail. They're  
15 electronic messages. And what I will be doing for the RAB  
16 members is we're going to take those e-mails and turn them  
17 into a formal letter. I've mentioned this to the Navy.  
18 And we will turn that less formal -- form of this  
19 communication into a formal letter that we'll be able to  
20 provide to the public and yourselves. And so that should  
21 happen kind of within about a week's timeframe. I'm sorry  
22 we didn't do that. It just ended up kind of getting these  
23 communications out. And then we decided let's have it  
24 formalized, make sure the public is hearing what's being  
25 said.

1           ADVISORY BOARD MEMBER TANASESCU: I was just  
2 wondering -- I did receive the response from the Navy  
3 concerning the letter that I'd written. I was just  
4 wondering, because in the letter it does say that it only  
5 covered some of my concerns. So when will it be  
6 addressing the rest of my concerns from the letter? Is  
7 that something that's going to be months from now or is  
8 that before all this is finalized? Does anybody know?

9           ADVISORY BOARD MEMBER RAMSEY: I'd say you have  
10 to direct that at the Navy.

11          NAVY CO-CHAIRPERSON MORLEY: Did the letter say  
12 it was only responding to some of your concerns?

13          ADVISORY BOARD MEMBER TANASESCU: In part. There  
14 were some things that hadn't been addressed as yet. And I  
15 was just wondering when it would be completely resolved.

16          NAVY CO-CHAIRPERSON MORLEY: Okay. I'm actually  
17 not familiar with that. So if I can get together with you  
18 afterwards. Do you have that letter with you?

19          ADVISORY BOARD MEMBER TANASESCU: I may have it  
20 in here. I'd have to check.

21          NAVY CO-CHAIRPERSON MORLEY: Maybe I can call you  
22 or you call me and we can go over that because I need to  
23 find out what parts weren't addressed.

24          ADVISORY BOARD MEMBER TANASESCU: Okay.

25          MR. SMITH: Actually, Theresa, I just read and

1 reread that letter in our response a couple days ago. And  
2 I think specifically what the Navy was waiting on was to  
3 complete its consultations with the EPA. Because  
4 obviously we couldn't have a final answer back for you  
5 because we didn't have a final answer back from the EPA.  
6 And I believe that's what we're waiting on.

7 ADVISORY BOARD MEMBER TANASESCU: Okay.

8 NAVY CO-CHAIRPERSON MORLEY: Okay. Thank you.  
9 That's it.

10 ADVISORY BOARD MEMBER RAMSEY: I haven't seen any  
11 final version of the letter though. So I mean we were  
12 given --

13 ADVISORY BOARD MEMBER TANASESCU: Of the one they  
14 sent to me?

15 ADVISORY BOARD MEMBER RAMSEY: -- we were given a  
16 little short -- we kind of had to insist to -- we had  
17 insisted to see the letter before it went out the first  
18 time. But I guess maybe it didn't go out actually the  
19 first time that we'd seen those, comments.

20 ADVISORY BOARD MEMBER TANASESCU: Are you talking  
21 about my letter or the letter they just sent to me?

22 ADVISORY BOARD MEMBER RAMSEY: Well, I think the  
23 letter that Gregg was just saying they sent -- you know,  
24 were going to send it to us, that we were always  
25 available. I don't know if they were -- the Navy was

1 going to give us another chance to look at the letter or  
2 not. But we're more than happy to. That was just news to  
3 me that they're going to --

4 ADVISORY BOARD MEMBER O'BRIEN: Can you clarify  
5 this, Gregg?

6 MR. SMITH: This is a letter that went out what,  
7 three -- a month ago? This is not a letter that recently  
8 went out. This is a letter we sent you about a month ago.

9 ADVISORY BOARD MEMBER O'BRIEN: I thought we were  
10 talking about another letter.

11 Is that right, Phillip?

12 ADVISORY BOARD MEMBER RAMSEY: Well, I thought it  
13 was your letter, Gay, on the landfill that I thought last  
14 month the Navy was going to release, but then they didn't.  
15 And I'm not sure whatever happened, that --

16 ADVISORY BOARD MEMBER TANASESCU: I don't know  
17 what they did to the letter that I sent to you the first  
18 time. But I just, maybe three and a half weeks ago or so,  
19 received the response letter from the Navy, in part, to my  
20 letter.

21 MR. SMITH: That's the one I'm speaking to.

22 ADVISORY BOARD MEMBER TANASESCU: But you're  
23 saying you've never seen my initial letter?

24 ADVISORY BOARD MEMBER RAMSEY: No, I've seen your  
25 initial letter, right. I had seen -- it's when the Navy



1 was doing a response, we had given -- we were given a real  
2 short opportunity to look at -- to provide a little --  
3 just, you know, to suggest a few changes on the previous  
4 version.

5           ADVISORY BOARD MEMBER TANASESCU: I can provide a  
6 copy of this to you if you'd like, of their response, if  
7 you don't have it.

8           ADVISORY BOARD MEMBER RAMSEY: Oh, I think we've  
9 seen -- what we saw was a near -- you know, near final  
10 version. They may have done a little tweaking to it,  
11 but --

12           ADVISORY BOARD MEMBER TANASESCU: Okay.

13           ADVISORY BOARD MEMBER RAMSEY: And I think  
14 sometimes it's, you know, just the answers. I know  
15 sometimes attempt -- the Navy tries to, you know, capture  
16 if you had -- I know you had a lot of things you raised in  
17 your letter. And I think they tried to paraphrase and  
18 just didn't go through to try to provide numbers and  
19 things like that. So it's like, well, they did their best  
20 to get off what they thought to be the big issues that  
21 maybe one --

22           MR. SMITH: I'm sorry, Phil. I thought we  
23 included you in the CC to that letter. If we haven't,  
24 we'll be sure to get you a copy of the actual letter.

25           ADVISORY BOARD MEMBER RAMSEY: Yeah, because

1 actually I don't -- I didn't see the final letter, I don't  
2 believe.

3 MR. SMITH: Okay. We'll make sure that's done.

4 NAVY CO-CHAIRPERSON MORLEY: Laurent, did you  
5 have any --

6 ADVISORY BOARD MEMBER MEILLIER: Sure.

7 The Regional Water Quality Control Board also  
8 provided comments on the time critical removal action at  
9 AOC 1. And actually our RWQCB -- Phillip Ramsey visited  
10 the sites in July to see how the attempted tactical  
11 removal action was going on and what kind of problems they  
12 might be encountering at the site.

13 We also worked with the agencies, the DTSC as  
14 well as U.S. EPA, on the Site Management Plan. And we met  
15 with the Navy on the UST program. And we actually have a  
16 overflow meeting as scheduled for this Thursday because of  
17 quite a number of issues that need to be looked at as well  
18 as resolved under the correctional program.

19 The Navy presented the SCAPS technology, which is  
20 the Site Characterization Analysis Penetrometry System for  
21 nondisamored UST, which will be applied at -- probably  
22 applied to the Salmon Grove sites found in the inland area  
23 as well as in the tidal area of the Concord Naval Weapons  
24 Station. And the Regional Board also provided additional  
25 training on the UST database that is currently used by

1 Board staff to generate closure reports.

2 And that's about it for my update.

3 NAVY CO-CHAIRPERSON MORLEY: Thank you.

4 Marcus.

5 COMMUNITY CO-CHAIRPERSON O'CONNELL: Could you --  
6 the last time we met I believe that you raised some  
7 issues -- or you said that the Regional Water Quality  
8 Control Board still had some issues with Site 1, in  
9 particular with groundwater characterization. Are those  
10 still outstanding?

11 ADVISORY BOARD MEMBER MEILLIER: Well, what has  
12 been discussed and what has been agreed with the Navy is  
13 that the Record of Decision will be divided into two  
14 documents. One document will be addressing the cap design  
15 and the cap implementation of the landfill. And the  
16 second document at another ROD will address the  
17 groundwater issue -- the groundwater characterization as  
18 well as the protection. And we are -- when we are talking  
19 about that site, we are talking also about surface water  
20 because of the very -- because of the shallow nature of  
21 groundwater at the site.

22 And the Navy has made a commitment that they will  
23 sample groundwater by the end of this year, I believe, at  
24 the site as well as in other sites found also in the  
25 litigation area.

1           And the Navy also has agreement that they will  
2 start to look at this added document, groundwater, in the  
3 upcoming year, 2003.

4           And we understand that the Navy has, you know,  
5 scheduling issues and we understand that they are willing  
6 to integrate that new document into their scheduling in a  
7 timely manner.

8           COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.

9           ADVISORY BOARD MEMBER O'BRIEN: Phillip, you were  
10 going to send us via e-mail your latest comments. Do  
11 those comments address the pipe issue?

12          ADVISORY BOARD MEMBER RAMSEY: No.

13          ADVISORY BOARD MEMBER O'BRIEN: How is that going  
14 to be addressed here before the ROD decision?

15          ADVISORY BOARD MEMBER RAMSEY: Well, again, the  
16 Site 1 ROD is the tidal area landfill, so that is a  
17 different site than from where the -- Site 2, that has  
18 these drainage pipes we talked about in the past.

19          So as we mentioned last month, you know, we won't  
20 be really revisiting -- or we will be revisiting the  
21 drainpipe when we see the RI, which is scheduled now as a  
22 draft final, I believe, and out -- right now there's lots  
23 of changes in the schedule. It was scheduled I believe  
24 for January-February timeframe. That may actually be  
25 tightened up now. Some discussions we're going to be

1 having, I think we're going to be hearing from the Navy  
2 about how they are doing some changes in the schedules.

3           So it's really a part of the Site 2, which are  
4 these tidal area sites, 2, 9, and 11, that we'll be seeing  
5 a remedial investigation report at some point here in the  
6 near future. That's when we'll see the issue of the  
7 drain.

8           Site 1 is a landfill. That's a different site.

9           NAVY CO-CHAIRPERSON MORLEY: Marcus.

10          COMMUNITY CO-CHAIRPERSON O'CONNELL: I'd just  
11 like to explain something to some of the members of the  
12 public that are here that might not have been here last  
13 time or left early.

14          The Community RAB members took a vote at the end  
15 of the last meeting. And we basically gave -- it was a  
16 vote of no confidence in the solution, in the remediation  
17 that's being proposed for Site 1, which is a landfill in  
18 the middle of wetlands down in a tidal area.

19          And we have asked that it be delayed until we can  
20 get our grants together, to have an independent technical  
21 advisor look at the documentations.

22          I think that needs to be said. Because one of  
23 the criteria for the acceptability of a solution, of a  
24 remediation for the tidal area is community acceptance;  
25 and this project does not have community acceptance --

1 this solution does not have community acceptance at this  
2 point. We don't feel it's ready for it.

3 NAVY CO-CHAIRPERSON MORLEY: Okay. With that,  
4 we'll bring up David Cooper from the Environmental  
5 Protection Agency to give a presentation, our community  
6 relations plan.

7 MR. COOPER: Because my presentation was going to  
8 go last, I think they're going to have to electronically  
9 dig it up and get it set up. Or maybe they're so  
10 efficient, that it's already there.

11 I have never used such a fancy laser pointer  
12 before. So we'll probably end up in the middle of  
13 somebody else's presentation in time, I'm sure, instead of  
14 my own.

15 You've got to point it right, that's right.

16 For those of you in the back who don't read that  
17 well, this says no signal, check video -- well, now it  
18 says something different.

19 It's just playing with the presenter.

20 Oh, okay.

21 (Thereupon an overhead presentation was  
22 presented as follows.)

23 MR. COOPER: Good evening. My Name is David  
24 Cooper. I'm a community involvement coordinator for U.S.  
25 Environmental Protection Agency. I've been asked -- never

1 a dull moment.

2 I've been asked to discuss what EPA's process is  
3 for the community involvement plan.

4 Community involvement plans are part of the  
5 clean-up process. And EPA provides the guidance for that  
6 process.

7 There's also State guidance. My State  
8 counterpart isn't here this evening. Her name is Pat  
9 Ryan. There is a state guidance that tends to follow the  
10 EPA guidance. And for federal facilities, they also  
11 follow the EPA guidance. So it seemed appropriate that  
12 just review -- since the base is looking at updating their  
13 community involvement plan, to look at what EPA does as  
14 part of their process.

15 I want to talk about basically four things: What  
16 the purpose of the plan is; what the process is; and what  
17 elements you would see if you looked at a plan, the  
18 physical document. And then I have some specific comments  
19 about -- some specific comments about the community  
20 interviews.

21 So now I'm going to try this.

22 And nothing happens.

23 Technology.

24 Okay. The purpose of the community involvement  
25 plan -- they used to be called community relations plan --

1 is basically just to organize the effort to involve the  
2 public in the decision-making process at a site that's on  
3 the national priorities list, what we typically call the  
4 Superfund list, particularly when EPA is leading at the  
5 site.

6           And in the plan it specifies the activities that  
7 are going to happen and the schedule, when these things  
8 are likely to occur, so the people know what the plan is  
9 for getting out information out to the public and also  
10 getting the public involved -- getting their feedback as  
11 to the plans -- the clean-up plans that are going to be  
12 proposed.

13           It identifies community issues and concerns --  
14 that's a key component -- the community involvement plan.

15           And, finally, it does provide some basic site  
16 background so a person picking up the plan will at least  
17 know enough about the base to understand what the proposed  
18 community involvement activities might be talking about.

19           So those are the things that, in general, you  
20 would see in our typical community involvement plan.

21                               --o0o--

22           MR. COOPER: The process. The process is  
23 actually very simple. There's only a few steps. It's  
24 really the information that you get when you go through  
25 the process that determines how large your document will



1 be, how many issues you might be addressing.

2           The first thing is to just gather information.

3 And you do that in a number of ways.

4           Then you conduct face-to-face interviews with  
5 people in the community, residents who live near the site,  
6 community leaders, people who have been involved for a  
7 long period of time, perhaps people who have commented at  
8 a public meetings in the past, people who are RAB members,  
9 community RAB members, things like that. You conduct  
10 those interviews. Those become very important parts of  
11 the plan.

12           Then once you have the interviews done and you've  
13 collected your information from other sources, you  
14 organize all this data into some kind of fiscal document.  
15 You draft the plan. You organize it in such a way you can  
16 analyze what's going on. Then you draft the plan. It  
17 goes out for review. You issue the draft plan for public  
18 review. And then when it's finalized, with whatever  
19 corrections, it's placed in the information suppository,  
20 which for Concord is the Concord Library.

21                               --o0o--

22           MR. COOPER: There are a number of ways to  
23 actually build a community involvement plan, a number of  
24 ways that the chapters might flow the information in some  
25 of the chapters.

1           The classic guidance talks about things like  
2 providing an introduction or an overview of the first  
3 section, a description of the site and section. In the  
4 second part, some community background information, which  
5 could include where the community interviews are. And  
6 then, finally, the last and most important section,  
7 whether it's Number 3 or 4 or 5, is really the community  
8 involvement program itself, the list of activities and the  
9 schedule, not necessarily a specific day or even month,  
10 but in general the schedule when these things are likely  
11 to occur; so the public can begin thinking about, "Do I  
12 want to be involved at this point? Should I be looking to  
13 go to the library and read a certain document that might  
14 be coming out?" Or, most critically, "Is there a proposed  
15 action, some removal or some installation of a clean-up  
16 system, that I want to know about, that I want to be able  
17 to say, 'I think this is a good idea or perhaps this is  
18 not.'"

19           And so the timing of the those activities is  
20 listed in Section 4. And then there are a number of  
21 appendices where the people reading the plan, which would  
22 include not only the public and the RAB members, but also  
23 the staff itself. The appendix is to provide information  
24 on contact information, things like that.

25           In the site description you get a basic site

1 history, what was the site, what activities went on there;  
2 you get a map location, location of the specific sites  
3 that are within the larger boundary of Concord; and some  
4 information about investigations that were already done.  
5 It says site inspections here, but inspections,  
6 investigations, and maybe some existing clean-up  
7 activities.

8           Many of the bases, in fact I would say most of  
9 the bases -- and I have about a dozen federal  
10 facilities -- most of them have existing clean-up  
11 activities that are ongoing. They have systems that are  
12 treated groundwater, removing it from the ground, running  
13 it through the filter. They've done removals where  
14 there's been soil contamination, and they scoop up the  
15 soil and take it into an appropriate disposal service,  
16 something like that.

17           And in this capsule site description you'd be  
18 seeing some of that information.

19                               --o0o--

20           MR. COOPER: For community background, there  
21 would be things like the community profile, where we talk  
22 about the kinds of people who live in the area, the  
23 demographics, things like that.

24           The history of community involvement. Some of  
25 the activities that have happened in the past.

1           Key community concerns. Community concerns and  
2 issues is what tells the facility, in this case Concord  
3 Naval Weapons Station, what kind of information the public  
4 needs to know in order to understand what's being proposed  
5 to be done out at the base. So community concerns is very  
6 important.

7           In some cases EPA responds well. If we had to  
8 leave, it wasn't -- you could put the U.S. Navy here to  
9 respond to community concerns. If, for instance, there  
10 was a concern about groundwater and the Navy had installed  
11 a system to treat the groundwater, then this might be a  
12 place where we would respond and say a concern was  
13 groundwater and EPA has put \$20 million into a pump and  
14 treat system.

15           And a summary of communications needs, the things  
16 that need to go out to the public because these are things  
17 that the public is interested in.

18                               --o0o--

19           MR. COOPER: Then you have the plan itself, or  
20 program, which is the actual list of activities by issue  
21 or concern. So if there was a concern about one of the,  
22 sites, Site 16, or something like that, and people had a  
23 lot of interest in that, then in the plan there would be a  
24 list of activities that specifically will help that  
25 impacted population or those interested individuals to

1 understand about Site 16, what was going on, what might be  
2 proposed to be done, and where they are in the clean-up  
3 process. And the schedule would be attached to that.

4           Again, the schedule isn't -- the guidance  
5 schedule, I don't want to have expectations raised.  
6 Usually, you don't know the day or the month that  
7 something's going to happen. But you might know in which  
8 year or in which quarter of a year you're going to be  
9 doing something. Or at least that's the proposal as  
10 things stand.

11           A community involvement plan is very much a  
12 living document. So once you have your information and  
13 once you have your proposed activities, you still may be  
14 changing that depending on what comes up.

15                               --o0o--

16           MR. COOPER: Here's a quick list of some of the  
17 appendices. I won't read them. I think -- by the way,  
18 did everybody get the copy of the slides that was back  
19 there?

20           So everybody's covered.

21                               --o0o--

22           MR. COOPER: Media, environmental groups  
23 potentially responsible parties.

24           This one again is something that would be more  
25 typical of an EPA lead site where it is a private party

1 site, as the potentially responsible party in this case is  
2 the U.S. Navy.

3 --o0o--

4 MR. COOPER: Community interviews provide a  
5 significant amount of the information that goes into the  
6 community involvement plan. Community interviews are  
7 private face-to-face interviews, typically one on one.  
8 Rarely is it successful to bring more than one individual  
9 and at the same time like a group of folks.

10 One-on-one interviews. They average for most  
11 sites is about 20 to 30 interviews at a time. It is what  
12 we would call a stratified sample, but not an actual  
13 sample. So it is the people who are identified or can be  
14 identified over the course of the interviews as being  
15 significant representatives of other constituents. And  
16 again, this is a separate category. We always try to get  
17 people who live -- who are residents who live very near  
18 the site. Although, again, that's not a scientific  
19 sample. It's not really science.

20 Oh, I'm sorry. The interviews are not polled. I  
21 mean they're not science. And that's very key.

22 I already mentioned that.

23 The names of the interviewees, the private and  
24 the people who are individual citizens, are Privacy Act  
25 protected. So when we have an interview with someone,

1 their information is used to inform the plan, but their  
2 name is not connected and they are not listed as somebody  
3 that would contact you. This is very important because we  
4 found over time that people need to feel like it's safe  
5 for them to talk about their issues and concerns. And if  
6 they feel like their name is going to be attached to that,  
7 they may be either unwilling to meet with us at all or  
8 certainly unwilling to provide the level of information  
9 that we wanted.

10 --o0o--

11 MR. COOPER: Kinds of things we ask about. What  
12 are your issues and concerns about the site?" And in case  
13 of a federal facility, they're often times multiple sites  
14 so there can be many different issues and concerns. In  
15 some cases they may say, "We're fine with the fact that  
16 you removed this radioactive contamination from the fence  
17 line near our neighborhood school" or something, "but  
18 we're not fine about your proposal to" do something else,  
19 build a 16-story treatment facility or something right  
20 next to the church or whatever.

21 So the issues and concerns vary depending upon  
22 the specific part of the site that's being discussed.

23 The second thing is: How can we provide the  
24 information that the public needs to know to understand  
25 what's being done at the base and to understand what's

1 being proposed to be done? From the EPA perspective the  
2 proposal to do clean-up work is the most important time to  
3 get direct community input. And that's why there's a  
4 public meeting to receive formal comments from folks when  
5 a large clean-up action is being proposed.

6           So that -- information has to go out to make sure  
7 that the public understands what's being proposed and why.  
8 And then, in addition, just to providing information,  
9 providing access so the people know when public meetings  
10 are, how they can become involved, to know that they even  
11 have the rights to make a comment about a document or a  
12 proposed action. People don't often know that. They  
13 assume -- in many cases they assume that the Government is  
14 going to make its own decision and go its own separate  
15 way. And that's certainly not the case in our program.

16                               --o0o--

17           MR. COOPER: The kinds of questions -- again, you  
18 have them on your slides -- "What do you know about the  
19 site?" "What are your issues and concerns?" We ask, "Do  
20 you have confidence in the base clean-up team to perform  
21 the clean-up?"

22           And in this case, the base clean-up team is a  
23 combination of both the lead agency, which is in this case  
24 the U.S. Navy, but also the U.S. Environmental Protection  
25 Agency, as is represented by Phillip, and then our State



1 counterparts with DTSC and with the Water Board. All of  
2 those gentlemen make up the base clean-up team.

3           So we ask that question. And we get a variety of  
4 answers at different bases. And that's very helpful to  
5 know.

6           "What community involvement activities would be  
7 most useful for you?" Those are everything from "When  
8 should we meet?" to "When should we not meet?"; "Are our  
9 fact sheets understandable?"

10           In some cases, we have bases -- I have bases that  
11 are near sites where there's a lot of people who are  
12 engineers, so they want a very high level of detail. And  
13 then other bases where people say, "We just want a  
14 one-page fact sheet where things are summarized for us."

15           So that's the feedback we get out of the  
16 community involvement plan.

17                               --o0o--

18           And then we also like to know if they've been  
19 involved in any community involvement activities, if they  
20 could come to a meeting, or if they've read our fact  
21 sheet, anything like that. If they've provided comments  
22 and ask them, "How was that for you?"; "Did you understand  
23 our fact sheets?"; "Was the meeting useful?"; "Did you  
24 have your questions answered?"; things like that.

25                               --o0o--

1           MR. COOPER: So those are the kinds of things --  
2 we ask somewhere from 20 to 50 questions for a community  
3 involvement interview -- for a community interview. It  
4 just depends on the base and how they want to focus it.

5           I believe that's all the slides that I have. And  
6 I think, Ray, you had some questions.

7           If you wanted, I'd certainly be happy to  
8 entertain any questions.

9           You had some comments you wanted to make?

10          ADVISORY BOARD MEMBER O'BRIEN: No, I didn't.

11          Oh, Dean, I'm sorry. You guys reversed  
12 yourselves? I thought you were --

13          MR. O'BRIEN: No, I've been here the whole  
14 night.

15          MR. COOPER: I'm sorry.

16          (Laughter.)

17          MR. COOPER: I'm sorry, Dean. I thought you were  
18 sitting next to Gay.

19          Anyway, did you have some specific questions?

20          ADVISORY BOARD MEMBER McLEOD: I have -- no, I  
21 don't have any questions. I have some comments, and  
22 they're not specifically related to the presentation that  
23 you just made. But is this a good time to make the  
24 comments?

25          MR. COOPER: Sure.

1           ADVISORY BOARD MEMBER McLEOD: I'm not sure where  
2 to start. But I'll try and keep it down to a fairly brief  
3 amount of time.

4           I perceive myself as representing sort of a  
5 historical perspective to this process, having been  
6 working for about ten years on the history of the grounds  
7 around here. And I'd like to throw a couple of things out  
8 here.

9           When we talk about community outreach and  
10 community participation, I'm reminded of this, that I can  
11 recommend to anyone who would be interested, in the first  
12 community outreach plan that was presented -- that was  
13 done for this community and it's entitled "California  
14 Indians of the Mission San Jose Outreach Area."

15           It was written July -- published July 1, 2002.  
16 You can get it from Far West Anthropological Research  
17 Group.

18           And this outlines in detail the interaction and  
19 community outreach between the Spanish and the Chipkins  
20 that lived here.

21           And so we might be able to get some insight into  
22 past interaction and community outreach that has occurred  
23 here.

24           I can't -- I didn't make copies of this because  
25 it copyrighted. But I do have copies of a more recent

1 community outreach plan.

2 Could you maybe hand those around to everybody.

3 NAVY CO-CHAIRPERSON MORLEY: Dean, I'm sorry.

4 Would you repeat the title of that document?

5 ADVISORY BOARD MEMBER McLEOD: It was called  
6 "California Indians of the Mission San Jose Outreach Area,  
7 by Randall Millikan, Far West Anthropological Research  
8 Group. It was published July 2002.

9 What is going out now is the community relations  
10 plan that the Navy developed or at least formalized in  
11 1968. And this is the first Concord Naval Weapons Station  
12 community outreach or development plan.

13 And I'm not going to read it. I'll allow people  
14 to read it at their leisure. I can quote a couple of  
15 things.

16 "In an effort to reconstruct the  
17 sequence of events Enclosure 1 provides  
18 a step-by-step case history of the  
19 circumstances and public affairs  
20 implications actions associated with the  
21 acquisition of the property from the  
22 inception of the idea to the present."

23 Now, what that's referring is the acquisition by  
24 the Navy of the town of Port Chicago. And so as we talk  
25 about the relationship between the Navy and the community

1 here, I think it's important and critical that we  
2 understand what the history of the Navy is with this  
3 community.

4 And I'll read a couple of lines here.

5 Internal and community relations.

6 "During this period, the positions of  
7 public affairs officers was critical to  
8 handle many positive facets of the  
9 public relations program." So they've  
10 already invented this wheel that we're  
11 talking about here.

12 Civic involvement in community  
13 relations programs. "Significant during  
14 this period was the encouragement of  
15 this command to have its personnel  
16 engage in many civic and community  
17 affairs and work with the City of  
18 Concord and Contra Costa in municipal  
19 and county government." I think we see  
20 that pattern being repeated.

21 Citing a few of the appointments. Captain Eddy,  
22 who was the captain here at the time, became part of the  
23 Contra Costa County Development Association and Concord  
24 Chamber of Commerce, the Rotary Club, the American Red  
25 Cross, Contra Costa, you know, and it goes on. And it

1 describes the involvement of the Navy in the community so  
2 that they could communicate the needs of the Navy and the  
3 positive benefits of having Port Chicago destroyed.

4           So I think that you can probably read that and  
5 get a good sense of it.

6           There's a couple other things I want to do. I've  
7 got about a 70-page historical timeline here of details,  
8 cited references. I'm not going to give it to you, not  
9 until I publish it.

10           MR. COOPER: I thought you were in a passing-out  
11 mode.

12           ADVISORY BOARD MEMBER McLEOD: No, I'm not going  
13 to pass this out, because this is the only -- you know,  
14 this is the only printed set I've got right now. But I'm  
15 going to quote from about two or three pages.

16           And I think it's important -- I think -- we've  
17 talked -- when we first got our RAB meetings, we talked  
18 about building that trust equity. And I think it's really  
19 important. And, you know, we -- my personal view is that  
20 every person in this room has integrity and every person  
21 in this room -- you know, we could go out and have hot  
22 dogs and burgers and, you know, we would get along great.  
23 But it doesn't change the fundamental relationship between  
24 the Navy and the community. And that's the point I want  
25 to make. And I'm going to illustrate that with a couple

1 of historical points.

2           In July of 1941 Captain Milton S. Davis, Navy  
3 Port Director, Naval District, suggested that Port  
4 Chicago -- to the command of this -- is the best site for  
5 permanent weapons trans-shipment centers.

6           This is a quote. "The great value of this site  
7 lies in its complete isolation from habitation and  
8 industrial activity." Well, except for the town of Port  
9 Chicago, which was a half a mile from the docks, and the  
10 chemical plants and the oil refinery which surrounded it.

11           Okay. A little bit on the negative side there.

12           July 18 -- I don't need to tell anybody about  
13 what happened July 18th. That was when the Port Chicago  
14 explosion killed 322 people and injured 390 and destroyed  
15 Port Chicago -- every home in port Chicago was damaged.  
16 It broke -- I have a map from the Navy that shows the  
17 damage area, that went all the way to Petaluma and Redwood  
18 City it broke windows.

19           So there's a -- in my mind, there's always been a  
20 contrast in interest between what is in the interest of  
21 the community and what is in the interest of the military  
22 here.

23           1952: The Navy makes the first of nine attempts  
24 to move the town of Port Chicago. Local Congressional  
25 Representative John Baldwin prophetically says that the

1 only way the Navy would get Port Chicago is over his dead  
2 body.

3 That was in '62 -- '52.

4 1966, Congressman John Baldwin, who had blocked  
5 the Navy takeover of Port Chicago, dies. July of 1967  
6 House Armed Services Committee approves condemnation of  
7 Port Chicago, part of a \$65 million planned military  
8 construction in northern California.

9 I'm sure there's no connection between those two  
10 events.

11 But in the interim, in between 1960 and '63 --  
12 June 27th, 1960, McCullough Oil Corporation of California  
13 enters its five-year oil and gas lease for Lot 5 of  
14 Section 12T2 North Range 2 West.

15 If you look that up in your sites, you'll find  
16 it. It's on the Navy property. The lease was extended  
17 for five years in 1965.

18 On the 21st of October, 1963, lots 9 and 10 of  
19 Section 17, oil and gas lease entered into between the  
20 United States and Shell Oil Company.

21 April, 1964, Naval Weapons Station transferred  
22 portions of Section 16 and 21 and 28 and 30 of T2 North  
23 Range 1 West to the Department of Interior to facilitate  
24 proposed oil and gas leases.

25 October of '64, five-year oil -- year protective



1 oil and lease issues is probably petroleum in parts of  
2 Section 16. This is all on the Navy thing.

3 That's all I'm going to quote you.

4 As far as I'm concerned, the Navy has always  
5 been, is now, and always will be the enemy of this  
6 community. And I feel that it is really incumbent upon me  
7 to resign from the RAB because of this.

8 And I'll sit through the meeting.

9 NAVY CO-CHAIRPERSON MORLEY: Well, Dean, I'm  
10 sorry to hear that, because I think that your input has  
11 been invaluable. I mean this is only the second one. But  
12 I did go back and read some of the transcripts. And I  
13 would ask you to reconsider.

14 I agree that there has been some things in the  
15 past that the Navy has done that we're ashamed of, but I  
16 don't think that that should stand between what we're  
17 trying to accomplish now. And I value your input and all  
18 of your input and I think that we can work out something.

19 ADVISORY BOARD MEMBER McLEOD: No, we're doing  
20 the same thing today as we were doing then. We're just  
21 doing it in a much more organized manner.

22 NAVY CO-CHAIRPERSON MORLEY: I'm sorry to hear  
23 you say that.

24 Does anybody have else have comments on David's  
25 presentation?

1           MR. COOPER: I'll just -- any questions from the  
2 general public?

3           COMMUNITY CO-CHAIRPERSON O'CONNELL: How about  
4 Dean's presentation?

5           MR. COOPER: No, about mine.

6           COMMUNITY CO-CHAIRPERSON O'CONNELL: I had some  
7 comments if it's about your presentation.

8           MR. COOPER: Sure.

9           COMMUNITY CO-CHAIRPERSON O'CONNELL: You and I  
10 talked on the telephone so you're probably prepared for  
11 most of everything I'm going to say.

12          MR. COOPER: I wouldn't say prepared, but I'm  
13 aware of some your concerns, yes.

14          COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, you've  
15 heard it before.

16          I went to an EPA seminar last week in Oakland --  
17 two-day seminar. On the building constituencies for  
18 wetlands. And it was put on by a trainer from the EPA,  
19 who did an outstanding job. It was probably one of the  
20 best presentations on public relations and community  
21 organizing that I've ever been to. It was terrific.

22          One of the things that came up, we talked about  
23 interviews. And interviews were considered probably the  
24 least advantageous -- the least -- a method whereby you  
25 get the least objective information. And I'm disturbed

1 about the fact we're using interviews instead of a survey.  
2 And I would press and hope and encourage, urge that a  
3 statistically significant survey be done.

4           My concern starts with having read the EPA's  
5 guidance on -- EPA's own guidance on how to develop  
6 community involvement plans. And it says that those --  
7 that the interviews are a method to build positive  
8 relationships with the people in the community. And I  
9 really don't have anything against building positive  
10 relationships except that what we're really talking about  
11 here is a very slanted public -- potentially a very  
12 slanted public relations effort, which is really not  
13 objectively giving information, but rather trying to  
14 build...

15           You say you're going to do 20 to 30 surveys and  
16 that the objective really I think is to identify community  
17 issues and concerns. The only way to really identify the  
18 community issues and concerns is to go out to the  
19 community and ask. But 25 people -- 20 or 25 people is  
20 not sufficient to really identify the concerns, I don't  
21 think.

22           Also the interviewees are not going to be  
23 identified. We won't even know who they really are after  
24 we get that done here. And that would be minor -- maybe a  
25 number of 600 random selected individuals from the

1 community, but not if it's 20 interviewees that we're  
2 taking -- who are speaking for the community.

3           And when they did the Mare Island community  
4 relations plan, they pretty much asked the same questions  
5 you were talking about. And one of the things that came  
6 out of there was that people who knew nothing about the  
7 history of community involvement at the Mare Island site  
8 and that people felt that they hadn't been adequately  
9 informed, they weren't really aware of the toxic issues at  
10 the site. So you go out and interview people and we ask  
11 them, "What do you know about the toxic issues?" I think  
12 it's pretty much a foregone conclusion that they don't  
13 know anything about it. They don't even know if this  
14 community was known as a Superfund site.

15           So I think -- I don't like the interview process.  
16 To say that -- let me give you just one more question.  
17 Let me back up a little bit.

18           Do people have confidence in the base clean-up  
19 team? They don't even know who the base clean-up team is.  
20 They don't even know there's a base clean-up, let alone  
21 what a base clean-up team is. I mean these questions are  
22 really -- don't mean a whole lot to the average person.  
23 And they're not going to get the kind of information out  
24 of it that -- paying a lot less if you go forward with a  
25 good community relations plan. And that's a meaningless

1 question for 90 percent of the people that you're going to  
2 ask. More -- probably 99 percent.

3           The other thing I noticed is that -- and when I  
4 looked at the Mare Island CRP, is that the goals were  
5 really vague and general. And you and I talked about  
6 this. We need -- when you set up a goal, you know --  
7 goals, they're specific, they're quantifiable, they have a  
8 timeline. And that's not what was happening in the  
9 community relations plan at Mare Island. They were just  
10 general.

11           I want to know -- when I set a goal, I want to  
12 tie it, for instance, to the Site Management Plan that  
13 we're going to have. I want to tie it to goals. I want  
14 to know -- how many members of the public are going to  
15 show up at the average RAB meeting because of this  
16 community relations plan? Are we going to keep track of  
17 that? I mean that's a metric that we can measure  
18 performance on.

19           There were no metrics that I could see at Mare  
20 Island's CRP. There was no way to base -- to determine  
21 whether it was functioning as it should. And I think  
22 that's a big goal here. They're not -- that's just one  
23 example I use. There needs to be a whole spectrum of them  
24 of course so that you measure a much broader range of  
25 performance indicators, and then track them.

1 I think I'll let somebody else do it for awhile.

2 I have a lot to say on this.

3 MR. COOPER: What occurs to me to say is I'd let

4 you try to do your entire list of issues and concerns.

5 Apparently you have some more, too.

6 There are specific things I can say about many of

7 the things that I think would give you some confidence in

8 the program, given what it's supposed to do. It can't do

9 everything, but it can do some of those things. But I

10 mean you gave like 20 of them, so I can't remember which

11 was which.

12 We could start over with your list and I could

13 make a few comments about each --

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: We don't

15 have time to do it.

16 I touched on the two main things. One is that

17 the survey -- I feel strongly that a survey -- a specific

18 and significant survey needs to be done, not simply

19 interviews.

20 And I feel strongly that there need to be good

21 solid goals in this, that -- as I said before, that have

22 all the criteria of good goals, that are specific,

23 quantifiable, and a timeline.

24 MR. COOPER: Okay. Then in terms of the survey,

25 of whether it should be a mass sampling as opposed to

1 target interviews, things like that, and using the example  
2 of the wetland conference that you just went through.  
3 When Marcus and I talked earlier we talked about this  
4 conference that he went to. And I myself, since I don't  
5 work in the water area, I work in the Superfund area, I  
6 wanted to learn more.

7           And so what I'm proposing is that I learn more  
8 from you exactly, get a copy of that -- I think you were  
9 going to give me a copy of the agenda or something like  
10 that. Because what I want to do is I want to go back and  
11 talk to the person who put on that training and see if I  
12 can understand what their process is, what it's intended  
13 to accomplish, and how that might mirror what we're doing  
14 or be different than what we're doing. And then I'd be in  
15 a better position to say part of that has merit or all of  
16 that has merit or some of that or here's what we can learn  
17 from that program. As it is, I didn't go to the  
18 conference.

19           COMMUNITY CO-CHAIRPERSON O'CONNELL: That's not  
20 part of the two issues.

21           MR. COOPER: I think it's a key point when, as  
22 the presenter, I'm asked a question, "I think you should  
23 do X," and I have to say, "I'm not familiar with the X  
24 that he's talking about."

25           COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, David,

1 the X is a survey. The X is not really the wetlands  
2 conference.

3 MR. COOPER: But didn't they use a survey?

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: Pardon?

5 MR. COOPER: Did they use a -- I thought you were  
6 using that as an illustration of where they used a survey.

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I  
8 could take it from Marketing 101 also, I mean, or any  
9 public relations thing. There's a difference between a  
10 survey and a limited number of interviews, especially a  
11 limited number of interviews that in the very guidance of  
12 the EPA says are to be sort of push interviews, if you  
13 want to say -- push, to build relationships, to build  
14 positive relationships. They're not neutral. They're not  
15 a seeking of objective truth, shall we say.

16 MR. COOPER: I don't -- I have to say -- I have  
17 to respond to the EPA guidance. Having read it, I don't  
18 ever recall reading that these are push interviews and  
19 that they're meant to create a, you know --

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: The quote is  
21 they're meant to build positive relationships.

22 MR. COOPER: If that language appears that way, I  
23 suspect that it's included in language that also says to  
24 learn about the issues and concerns of the community so  
25 you can make a plan and all that. Those are the themes



1 that come through over and over again when you read  
2 through the entire chapter. I don't doubt that that's in  
3 there.

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: When you  
5 read through the entire chapter, the phrasing "build  
6 positive relationships" is repeated again and again and  
7 again.

8 MR. COOPER: And I'll accept that. But I know  
9 that the key is to get the issues and concerns so you can  
10 build a plan. That's what the program is about.

11 So that was the one on sampling and surveys that  
12 I wanted to accomplish. I intend to learn more about the  
13 conference you went to --

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, let's  
15 not dwell on the conference. The conference is just -- I  
16 shouldn't even have mentioned it. Let's dwell on the  
17 difference between interviews and a survey. I'm  
18 suggesting that a survey be done. And that's my  
19 suggestion. I think that there's -- there's a good basis  
20 for saying that. And I think that it's like standard  
21 marketing practice. I don't think I have to defend that  
22 very far. I mean I think a survey is statistically  
23 significant, gives you quality feedback which you can  
24 depend on.

25 As far as interviews with a few select people,

1 especially when you sort of run down the list, you're  
2 going to pick the Chamber of Commerce president, you're  
3 going to pick the mayor, you're going to pick these people  
4 who you think are opinion leaders in this community  
5 essentially, and it's a PR campaign. It's not really a  
6 good-faith effort to go out and collect objective  
7 information.

8 I shouldn't use good faith. But it's not a  
9 true --

10 MR. COOPER: I realize you're not questioning my  
11 personal good faith. You know, because what I can say to  
12 that is that every single NPL site where this -- this is  
13 how it's done. So it's not like it's a -- well, I won't  
14 even go into a good-faith thing. And I would consider it  
15 good faith on our part to have a consistent program that  
16 we use across all federal facilities and all private sites  
17 to accomplish this task.

18 I think it's important to note that, when you  
19 said that you were reading the Mare Island interview, and  
20 one of the things that those interviews discovered or  
21 highlighted was that very few people knew about the  
22 Superfund site. You didn't need to do a 50,000-person  
23 mailing, in which you might have gotten a five-percent  
24 return on, to be statistically significant at some level  
25 of confidence.

1           You didn't need that big survey to get that piece  
2 of data. You, in reading that community involvement plan,  
3 never questioned that, well, you know, that's not -- that  
4 can't be true because they didn't do a statistically  
5 significant effort there. As soon as you read it, even  
6 though it was 25 to 30 people, who are key people, not  
7 just politicians, but key people, key leaders, and as well  
8 as people who are in the community, it immediately  
9 resonated with you and you said, "You know, that makes  
10 sense. I'll bet that that's true." And we would say we  
11 think that is true.

12           And so from a Mare Island perspective, we as the  
13 regulators would say, "This is what you're getting from  
14 your community interviews." Consistently people are  
15 saying, "We want more information." Consistently people  
16 are saying, at all levels, you know, the political types,  
17 people who are living there, they're saying, "We don't  
18 understand what's going on.

19           As regulators, we turn to the facility and we  
20 say, "You need to show us in this community involvement  
21 plan what you intend to do by issue, by concern what you  
22 are going to do to start, first of all, communicating that  
23 information that they seem to lack to them on a periodic  
24 basis that we would consider reasonable."

25           And because that plan is reviewed by the public,

1 you as RAB members -- and the general public has got you  
2 to look at this to go, "No, I think you need to do more.  
3 My recommendation is that you do more." So we think that  
4 the community interviews actually do a very good job.

5           You used several examples, and I can't remember  
6 all of them. But another one that you said that I can't  
7 quite remember had to do with the believability of this  
8 and all that. When we get these responses back, because  
9 other people are actually reading them, regulators are  
10 checking them, we feel pretty confident that whoever was  
11 being interviewed was talking to us honestly, that they  
12 felt safe. And then we asked them detailed question, "Why  
13 do you think you don't understand about the site? Did you  
14 receive our FAX sheets? Did you understand them?".

15           If you send out a survey -- and I think either  
16 Ray or -- I guess Dean's gone now. When we were talking  
17 about this last time, I said if you ask every question  
18 that we actually asked when we do a community interview,  
19 not the 12, 15, 20 or 30 or 50 that we do that's formal,  
20 but all of the follow-up questions, "You said this. Well,  
21 what did you mean by that? Were you aware of this?" and,  
22 you know, all of those extra questions, you don't get that  
23 in a survey. If you were to try to reproduce what we do  
24 as a survey and mail it out to 50,000 random people, the  
25 vast majority of which probably don't know anything about

1 the site and would throw it or would write back, "I don't  
2 know anything," which we already know, they wouldn't take  
3 the survey because it would be 300 or 400 questions.

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: Let's just  
5 say we did a telephone survey instead of a mail survey.

6 MR. COOPER: If you did a telephone survey, you  
7 could ask additional questions. That part is true. But  
8 how many would you do? Fifty thousand telephone surveys?  
9 I mean, we found over the course of the program that's now  
10 15 years mature, which is the Superfund program, that we  
11 get the information that we need to know, typically. What  
12 we actually don't get in the community interviews is where  
13 I think you're really going with this in the bottom line,  
14 which is, "Now that you've got a plan that says you're  
15 going to do X, how come you didn't do X and Y and Z? Why  
16 when you said you were going to do a fact sheet that was  
17 readable and was going to go out to enough people to  
18 actually have an impact to educate them, why didn't you do  
19 that?"

20 And we find that many bases -- this one is no  
21 exception -- that over time the mailings get fewer, the  
22 community meetings get fewer, and things like that. And  
23 so it's partiality on the facility, that's the lead, and  
24 also the regulators. And in this case because we're lucky  
25 enough to have a RAB, for people to look at that plan,

1 which by EPA guidance we're supposed to consider every two  
2 years to be -- you know, whether we should do it again and  
3 to make sure the plan is being followed -- which I think  
4 is something you said about two RAB meetings ago, "You've  
5 got a plan here, but I don't see you following it." In my  
6 view, as a professional who's been doing this a lot, it's  
7 not really that the plan isn't conceived properly or in a  
8 way that's not going to get you where you want to go, but  
9 it's not implemented in the way you need it to be  
10 implemented.

11           So if we get the interviews, if we find out what  
12 the issues and concerns are and if the plan is properly  
13 implemented, you know, if the schedules are there to be  
14 tracked, in our experience it can work and it does work.  
15 But whenever it's not implemented, of course you're going  
16 to end up with nobody knowing anything and people saying,  
17 "I didn't even know you had a Superfund site."

18           So that's probably a really long way of saying --

19           COMMUNITY CO-CHAIRPERSON O'CONNELL: What you say  
20 is absolutely true. The last community relations plan was  
21 written in 1996. It hasn't been updated every two years  
22 as it was supposed to be.

23           MR. COOPER: -- or it could have been.

24           COMMUNITY CO-CHAIRPERSON O'CONNELL: And I would  
25 say it hasn't been implemented, at least, as I've said

1 before and quote myself, demonstrably ineffective.

2 And that ties up to performance measures.

3 MR. COOPER: And responsibility.

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: And  
5 responsibility, who is accountable for implementing these  
6 plans. So if you want -- could we segue into that  
7 discussion?

8 MR. COOPER: Yeah, because I think -- I think  
9 that that is something that can actually, we can just  
10 basically take that into the plan to identify specifically  
11 who's responsible, what part of the Navy is responsible at  
12 the grassroots level, at the base level, and say, "This is  
13 the office or the person's title that is responsible for  
14 implementing this."

15 Now, in the key context list you get that, but  
16 there's no linkage in -- remember the appendices that I  
17 was talking about? It will say who the Navy contact is,  
18 but there's no linkage in most plans in the text to say  
19 it's Chapter 2 or 3 or 4, and "the person who will  
20 implement this" or "the office that will implement this is  
21 this. And this is the phone number you call if you have  
22 concerns about the public doesn't know what's going on."  
23 And I think that can easily be put in this plan. You  
24 didn't see it in the Mare Island, and you probably didn't  
25 see it in the old Concord plan. I'm assuming it's not

1 there. But that would, again, go part of the way towards  
2 addressing the issues you're talking about, responsibility  
3 and accountability for this stuff.

4 So I couldn't help but agree with you when we  
5 talked. And I'm agreeing with you now.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: And I'm  
7 agreeing with you.

8 MR. COOPER: Anyway --

9 NAVY CO-CHAIRPERSON MORLEY: Excuse me, David.  
10 Would it help if -- are there like certain  
11 questions that you would want to see modified or taken out  
12 or certain ones added? Because we can do that, I think.  
13 We don't have to follow --

14 ADVISORY BOARD MEMBER TANASESCU: One suggestion  
15 I'd like to make is, if the survey was to be done -- first  
16 of all, it has to identify what the different communities  
17 are that are involved. Because certainly issues, concerns  
18 and goals of Bay Point are not going to be the same ones  
19 in Concord or even in Clyde. And the problem is typically  
20 with a lead interview of maybe 20 people is that you're  
21 not getting a full picture of the groups that are  
22 surrounding the base. And I think the only way to  
23 identify who those cultures and community members are is  
24 to do a random survey of the people surrounding the base.

25 MR. COOPER: Actually, that's very -- as a



1 process question this is very interesting. In order to  
2 design surveys that reflect these individual groups that  
3 you're talking about, you'd have to go out and interview  
4 key people there to figure out what the issues and  
5 concerns are to put on your survey so you knew you had the  
6 correct questions that you ask --

7           ADVISORY BOARD MEMBER TANASESCU: I can  
8 understand what you're saying. But the political climate  
9 and culture, especially in our surrounding areas, is such  
10 that the key people are not representative of the locals.

11           MR. COOPER: And accepting that exactly as you've  
12 said it, one of the things that we do at most bases is we  
13 turn to the RAB, and we turn to members of the public who  
14 are interested enough to come out, and say, "If you know  
15 people who are representative of certain groups that are  
16 underrepresented or have language problems or whatever,  
17 we'd like to talk to you about finding a person that we  
18 can contact in that group or someone we can work through."  
19 Like in some cases it's a minister. In other cases --  
20 like recently at McClellan Air Force Base there was a guy  
21 who is Russian. And there apparently is a very large  
22 Russian community that's congregated in that area.  
23 Through him we're able to get information out to that  
24 community that they can understand in our language. It  
25 worked to create fact sheets. And that's a new

1 development out at McClellan.

2           So, again, the RAB members are so important  
3 because they represent these various constituencies. And  
4 if you can identify -- if 20 to 30 interviews is the wrong  
5 number, if it has to be more than 30 interviews in order  
6 to hit somebody from these various, then that's the thing  
7 that we want to hear back so we can say, "Well, we were  
8 going to 28. It turned out we were going to do 28. But  
9 really 38 is the right number" in order to make sure we've  
10 got one or two people from these, you know, areas where  
11 people are living that normally wouldn't be hit by a  
12 typical mass mailing or something like -- or a typical  
13 news release or something like that.

14           That's why we do our interviews, because we also  
15 ask that question. If you did a survey -- and I don't  
16 want to make it an "if" -- you know, us against them,  
17 survey against community interviews. But if you did a  
18 survey, it's very unlikely you would have developed the  
19 trust in the person receiving the survey, by the time they  
20 have answered some of those questions, to answer a very  
21 important question, which is, "Is there anyone else who  
22 you think is a community leader or a key person in a  
23 certain community that we should talk to?" or, you know,  
24 "In your fortieth question that you were answering for us  
25 you talked about a language problem in Vietnamese. Do you

1 happen to know anybody," blah, blah, blah."

2           ADVISORY BOARD MEMBER TANASESCU: I don't want  
3 you to misunderstand me. I'm not against doing  
4 interviews. But I do believe both need to be here.  
5 That's what I'm saying.

6           MR. COOPER: Okay. I thought you were sort of  
7 saying the interviews --

8           ADVISORY BOARD MEMBER TANASESCU: No, it's not an  
9 either/or. I'm voting for both to occur.

10          MR. COOPER: I'm sorry. My hands are clean.

11          ADVISORY BOARD MEMBER TANASESCU: My personal  
12 opinion is to do the surveys first, and to do the  
13 follow-up interviews to clarify the survey.

14          MR. COOPER: I'm going to step out of the blue  
15 light for a minute.

16                I don't know how to respond to that. I mean  
17 that's a -- that's something that we don't do when we have  
18 the lead. And so that would be something for a further  
19 discussion I think than this.

20                I also want to check time, because I feel like --

21          MR. PINARD: We're about a half hour over.

22          MR. COOPER: We're about a half hour over?

23                Thank you.

24          MR. SMITH: It's 8:30.

25          MR. COOPER: I see. Oh, that's when I'm supposed

1 to start.

2 My name is David Cooper, and I'd like to give you  
3 a -- I'm sorry.

4 In the interest of time I'm wondering, since the  
5 community members of RAB have additional questions that  
6 they want to ask, if you wanted to defer that and get to  
7 the Site Management Plan part of your agenda.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: I think we  
9 better do that.

10 NAVY CO-CHAIRPERSON MORLEY: If we have time, we  
11 can talk about --

12 ADVISORY BOARD MEMBER O'BRIEN: Well, when are we  
13 going to talk about the community relations plan? Because  
14 that is of major concern to us. You keep trying to ram  
15 down our throats the interview process with key people. I  
16 have a real problem with key people, because key people --  
17 what you think are key people and what I think are key  
18 people and what he thinks are key people all varies.

19 MR. COOPER: That part's true.

20 The RAB members in our view are key people, I  
21 should point out.

22 ADVISORY BOARD MEMBER O'BRIEN: Well, I don't  
23 even want to be interviewed because I'm in on this  
24 process. I'm getting all this information. I want Joe  
25 Blow out in the street there who is just as affected by

1 the toxic clean up as the key people that you mentioned.

2 MR. COOPER: And I don't disagree with that at  
3 all.

4 ADVISORY BOARD MEMBER O'BRIEN: And I don't want  
5 to keep belaboring this point.

6 Theresa, I think we need to decide how we are  
7 going to formulate a community relations plan so it's not  
8 a fait accompli and it's rammed down our throats. Because  
9 at least these three members, possibly a fourth, we've got  
10 some problems with what's coming down the pike here.

11 NAVY CO-CHAIRPERSON MORLEY: I agree, Ray. And  
12 we tried to set up a meeting, and I apologize. I didn't  
13 mean for that meeting to seem like we were trying to do  
14 something off the record or informal. It was just -- I  
15 thought that it was probably important enough and there  
16 was enough issues that we should have a separate meeting  
17 outside the RAB meeting to discuss just the community  
18 relations plan.

19 ADVISORY BOARD MEMBER TANASESCU: But that  
20 meeting was set up at three o'clock in the afternoon, and  
21 everyone works --

22 NAVY CO-CHAIRPERSON MORLEY: I know. And I'm  
23 sorry. I didn't realize that. But that was a bad time.

24 And so what I would suggest, if this is okay with  
25 the RAB, is that we have a separate meeting at 6:00

1 o'clock, we have a court reporter, and we can talk about  
2 the issues. And then we can -- we don't have to worry  
3 about schedule impacting the RAB, if that's okay. I mean  
4 that's another meeting for you guys to attend. I know  
5 you're busy, but --

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: But if we  
7 could send an e-mail to everyone who's here, they could  
8 come. I think we do need to move on. And in the  
9 interests of time, I wonder if we could ask if there's any  
10 public comments. Because these meetings often go very  
11 late and -- can go, and people want to go home. And yet  
12 this is such an important issue, I think we need whatever  
13 public input we can get.

14 MS. BAUMGARTNER: You people are talking about  
15 surveys, you're talking about interviews.

16 I'm sorry. I'm Helen Baumgartner. I'm here from  
17 Concord.

18 You are talking about surveys, you're talking  
19 about comment interviews, and so forth. A survey would  
20 mean nothing to somebody if they don't have the background  
21 of what you're talking about. For anybody, either a  
22 survey or an interview, you've got to get the people  
23 informed, either by the television, by the newspaper, by  
24 something. I've been to several of these and I still  
25 don't know what you're talking about --

1 MR. COOPER: I'm sorry --

2 MS. BAUMGARTNER: -- because the knowledge is not  
3 being given out, to where people can understand it. So a  
4 survey's no good, interviews are no good if the people  
5 don't have any kind of background.

6 MR. COOPER: Well, ma'am, I'd be happy to talk  
7 with you about anything that I said in my presentation  
8 that you want me to elaborate on.

9 MS. BAUMGARTNER: I understood your presentation.  
10 But I mean if you're asking about a Superfund or toxic  
11 clean-up and which area and how is it being done --

12 MR. COOPER: You're going to get some of that in  
13 the next presentation, ma'am, just so you know. That's  
14 actually the -- was to be the main part of the thing.

15 I'm sorry, Tom. Did you want to say something?

16 MR. PINARD: Well, I think what -- the community  
17 relations plan is a plan to do the community relations.  
18 And that's why going into this tremendous discussion about  
19 the survey -- survey vice questions -- what the questions  
20 are is to find out when you do go out and find and talk to  
21 those individuals within the large community, what they  
22 know or don't know. So that can be folded into this  
23 community relations plan, put together. And that's how  
24 you go out and now inform the public, and see. So it  
25 isn't to get what you know about -- I mean it is. It is

1 and it isn't. If you don't know anything about it, that  
2 is as important as if you know everything about it.

3 MS. BYRNE: And once -- Beth Byrne.

4 Once you've had this information, now are you  
5 going to disseminate the answers? Is there going to be  
6 newspaper coverage, TV coverage? Because if I were doing  
7 this, I would start with that, because most of us know  
8 nothing. Put out the information. Why go through the  
9 step of asking people what they don't know? Because we  
10 know nothing. Give them everything.

11 MR. PINARD: It's in the law.

12 MS. BYRNE: That's what I was afraid of.

13 MR. COOPER: But it's more than that.

14 This is a great topic. This is my favorite  
15 topic.

16 They want to move on. But I can just briefly say  
17 that usually things are written down in fact sheets and  
18 things like that. And the media -- the bases are always  
19 in contact with the local media. And as specific events  
20 happen that the newspapers think justify a story, they'll  
21 often times do one. But those stories are usually very  
22 narrow.

23 The fact sheets and other information that a base  
24 puts together and is a function of this kind of plan are  
25 more broad and go out to people who are on a mailing list.



1           Anyway, that's sort of the short --

2           MR. SMITH: A point I'd like to make is we're  
3 talking about -- one of the big things is whether or not  
4 people know information. That's very true. And I'll tend  
5 to agree with Marcus that we already know the answer to  
6 that question. Most people don't know much about what's  
7 going on.

8           But another very important part of the survey is  
9 just to find out what is the best way to communicate this  
10 information to people, "What newspapers do you read? What  
11 TV stations do you watch?" You know, "If we sent you a  
12 newsletter or a fact sheet, would you read it? If so,  
13 what format would you prefer it in that would make it more  
14 comfortable for you to read?" And so a lot this  
15 information we do need in order to effectively communicate  
16 with people. You know, what languages do we need to have  
17 these things in, et cetera, et cetera.

18           And so it's sort of which came first, the chicken  
19 or the egg thing. And admittedly we're behind the ball on  
20 that right now. And that is where the community relations  
21 plan is important, one of the ways it's important.

22           NAVY CO-CHAIRPERSON MORLEY: Thank you,  
23 everybody.

24           So we're in agreement that we'll have a separate  
25 meeting outside the RAB meeting to discuss the community

1 relations plan?

2 ADVISORY BOARD MEMBER O'BRIEN: At an agreeable  
3 time.

4 NAVY CO-CHAIRPERSON MORLEY: At an agreeable  
5 time. Okay.

6 Go ahead, Joanna.

7 This is Joanna Canepa from Tetra Tech.

8 (Thereupon an overhead presentation was  
9 presented as follows.)

10 MS. CANEPA: Hi. I'm going to give a brief  
11 overview of all the installation restoration sites at  
12 Concord. So this presentation was requested in our last  
13 meeting and it's probably overdue. So we'll just dive  
14 right into it.

15 --o0o--

16 MS. CANEPA: There are two handouts to go with my  
17 presentation. One has all the sites and one is a map. So  
18 if you don't have a copy, there's extras at the back.

19 So to give an overview of what I'm going to talk  
20 about is first I'm going to go over a history of the base,  
21 and talk about first the tidal area sites. The tidal area  
22 is this area here.

23 And then I'm going to talk about all of the  
24 inland area sites. Inland area is this area here.

25 And first I'll start off about habitat and

1 receptors and sites and walk through each individual site.

2 --o0o--

3 MS. CANEPA: And I wanted to ask that since we  
4 are under a time constraint that if you can hold questions  
5 to the end, I'll be glad to answer any questions in the  
6 presentation.

7 Okay. So Concord is a shipping port for  
8 munitions, and has been in operation since 1942. You  
9 should have a copy of all of this map.

10 The first area I'll talk about is the tidal area.  
11 And the major habitats in the tidal area are tidal marsh;  
12 there's sloughs; mosquito ditches in one of our sites that  
13 were built to control mosquito populations; and uplands.

14 --o0o--

15 MS. CANEPA: Some of the receptors that live in  
16 the tidal area or work in the tidal area. There's  
17 obviously humans that are U.S. Military ordinance workers  
18 and contractors.

19 Some of the plants include:

20 Soft-Bird's beak, which is an endangered plant.  
21 And this is a picture of what Soft-bird's beak looks like.  
22 It occurs in the marsh areas on site.

23 A Delta Tule Pea, which also occurs in marsh  
24 areas, federal special species of concern.

25 Some of the representative animals include:

1           Salt Marsh Harvest Mouse. That's a picture of  
2 the Salt Marsh Harvest Mouse. And that's a federally and  
3 State listed endangered species.

4           And the Black Rail, which is a threatened bird  
5 that lives in the marsh areas of the site.

6                               --o0o--

7           MS. CANEPA: So this is the tidal area. And this  
8 map shows all of the individual IR sites. And we'll be  
9 walking through them one by one. Most of the shipping  
10 operations occur and appears right out here. So I wanted  
11 to point that out. And the Navy currently isn't  
12 conducting operations in the tidal area. It's the Army  
13 that is doing active operations in the tidal area of the  
14 site.

15                              --o0o--

16          MS. CANEPA: The first site we'll talk about is  
17 known as the litigation area. The litigation area on your  
18 maps is this area -- all these pink areas right here,  
19 labeled RASS 1 through 4. RASS stands for remedial action  
20 subsite. To give you a little bit of history about this  
21 area, it's relatively large. It's about 300 acres. And  
22 it was purchased from neighboring chemical companies as a  
23 buffer zone, and has been open space since it was  
24 purchased.

25          Subsequent to purchase it was found that the land

1 was contaminated with metals from historic spills and  
2 waste practices that date back to the early 1900s. The  
3 contaminants are arsenic, cadmium, copper, lead, selenium,  
4 and zinc.

5 So the government filed a lawsuit and reached a  
6 settlement agreement with all of the neighboring chemical  
7 companies. And that settlement agreement outlined all of  
8 the responsibilities for the parties involved.

9 --o0o--

10 MS. CANEPA: So to address some of the  
11 contaminants in the litigation area, the settlement  
12 agreement was reached, and that was documented in what's  
13 called the Record of Decision. And that Record of  
14 Decision mandated that the most contaminated portion of  
15 each RASS, remedial action subsite, be cleaned up. And  
16 some contamination was left in place in order to not  
17 disturb sensitive habitat receptors.

18 So all in all about 19 acres was excavated and  
19 cleaned up and revegetated. And then after that  
20 occurred -- the clean-up occurred between 1992 and '95.  
21 After that the Navy conducted five years of  
22 post-remediation monitoring. And that was also required  
23 by the Record of Decision.

24 --o0o--

25 MS. CANEPA: Based on the five years of

1 monitoring the Navy last year published a draft version in  
2 what's called a five-year review document. And that --  
3 the purpose of that document is to evaluate whether the  
4 remedy of cleaning up those 19 acres was effective for  
5 protection of human health and the environment. So for  
6 each remedial action subsite, whether the remedy was  
7 protective or not, was evaluated in that five-year review  
8 document.

9           And for each site it was considered -- the remedy  
10 was considered protective of human health. RASS 2 and  
11 RASS 4 were considered protective of the environment.  
12 However, there were concerns in RASS 1 and RASS 3 that  
13 they might not be protective of the environment.

14                               --o0o--

15           MS. CANEPA: And RASS 1, which is this main marsh  
16 area here, the concern with that site that remains is  
17 contamination left in place on purpose because of the  
18 sensitive habitat is still in the ditches and the sloughs.  
19 So there's concern that this might be posing risk to birds  
20 on site.

21           There's also a concern that nearby chemical  
22 companies may be contributing ongoing contamination.

23           At RASS 3, the concern is Nichols Creek, which is  
24 a creek that runs through the site. And there's a concern  
25 that creek bed is eroding and contaminants are migrating.

1           And there's also concern that there might be  
2 ongoing contamination from the nearby chemical companies.

3           The concern at RASS 4 -- it was considered  
4 protective of both human health and the environment. But  
5 the concern was that there's evidence that there's some  
6 trespassing going on to that site.

7                               --oOo--

8           MS. CANEPA: So that summarizes the litigation  
9 area. And then I'll move on to Area of Concern 1, which  
10 is actually right next to the litigation area, this yellow  
11 area here.

12           Okay. That's about a 17-acre site. And it was a  
13 former fertilizer plant acquired by the Navy in the early  
14 1980s. Once the Navy acquired the land, it demolished all  
15 the buildings on site. And it's been open space ever  
16 since.

17           A primary assessment was conducted. And the  
18 results of that assessment found that there was risk posed  
19 to birds from metals on site. So the Navy is concurrently  
20 doing a remedial -- a removal action to remove the soils  
21 that are contaminated with lead, mercury and selenium.  
22 And this photo is actually taken I think by Laurent a few  
23 weeks ago when he and Phillip did a site visit at that  
24 site.

25           Can I ask that questions be --

1           ADVISORY BOARD MEMBER TANASESCU:  It's part of  
2 your slide.

3           I was just wondering if you could explain to me  
4 what that big pile was.

5           MS. CANEPA:  This pile is a stockpile of soil.  
6 Maybe it will be better explained when I go to the next  
7 slide.  It shows actually an excavated area.  But when  
8 excavation is done you pile the soil and then evaluate  
9 whether that soil is contaminated or not.  And if it is  
10 not, then it can be put back.  But if it is, it has to go  
11 to a hazardous waste treatment facility.

12           So this is a stockpile of soil on the site.

13           ADVISORY BOARD MEMBER TANASESCU:  Contaminated  
14 soil based on what they told us before.

15           MS. CANEPA:  Well, I can't tell from the picture  
16 whether it's contaminated or not.

17                               --o0o--

18           MS. CANEPA:  So this is a picture of the -- one  
19 of the excavated areas.  And what's going to happen is the  
20 site -- it's going to be backfilled with clean soil and  
21 then revegetated with native shrubs and grasses.

22           And then a remedial investigation will begin.  
23 And that will evaluate whether there's any additional risk  
24 to human health or the environment from the remaining --  
25 whatever's remaining on site.



1 --o0o--

2 MS. CANEPA: Okay. So now I'll move on to the  
3 tidal -- what's known as the tidal area sites. This group  
4 of sites right over here. Tidal area Sites 2, 9 and 11  
5 together comprise about a 7,000 acre area.

6 The first site is Site 2.

7 ADVISORY BOARD MEMBER RAMSEY: Joanna, that's not  
8 right. Two, 9 and 11 do not -- the whole tidal area sites  
9 are probably 6,800 acres.

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: How much?

11 ADVISORY BOARD MEMBER RAMSEY: The three sites,  
12 2, 9 and 11. They could just be -- you know, Site 1 is 12  
13 acres or something and R Area is -- couldn't be -- it's 20  
14 or 30 acres. So its total is 50 -- less than 100 acres.

15 MR. SMITH: I think the entire tidal area is --

16 MS. CANEPA: Thank you for catching that,  
17 Phillip. Yeah, because, as I pointed out, the litigation  
18 area is about 300 acres. And that's bigger than this. So  
19 good point. Thanks for pointing that out.

20 So the first site I wanted to point out in the  
21 tidal area is Site 2, which is known as the R Area. And  
22 that's a former disposal area that contained wood crates,  
23 steel banding and paint cans.

24 Site 9 is known as Froid and Taylor Roads, right  
25 here. It's a small site. And that's also a former

1 disposal site for scrap metals and other debris.

2           Site 11 was formerly a Wood Hogger. And what  
3 that is is it used to be used for making wood chips and  
4 storing wood.

5           And another area that was evaluated as part of  
6 the tidal area sites, but isn't an installation  
7 restoration site, is Otter Sluice, which is a man-made  
8 sluice that drains these other three sites.

9                               --o0o--

10           MS. CANEPA: So the current status of the tidal  
11 area sites is that there was an ecological risk assessment  
12 that's currently under review by the regulatory agencies.  
13 And we received comments from the Department of Toxic  
14 Substances Control.

15           ADVISORY BOARD MEMBER MEILLIER: I think your --

16           MS. CANEPA: I'm sorry?

17           ADVISORY BOARD MEMBER MEILLIER: I think the  
18 original Regional Water Quality Control Board provided  
19 comments on that. I think so, yeah.

20           ADVISORY BOARD MEMBER RAMSEY: For the eco risk  
21 assessment.

22           MS. CANEPA: For the eco risk assessment. Okay.

23           And the Regional Board.

24           The contaminants evaluated are PAH's, dioxins,  
25 volatiles, and metals.

1           The remedial investigation is also under way.  
2   And that's currently being revised to address agency  
3   comments on a previous version.

4           And the Navy's preliminary findings is that  
5   there's no significant risk to those sites.

6                               --o0o--

7           MS. CANEPA: Next I'll move to the tidal area  
8   landfill, which is actually right adjacent to Site 2. And  
9   this is the site we've all heard about earlier tonight.  
10   It's 13 acres, landfill that's situated on a marsh. It's  
11   been 10 feet high in the center. It was used as the  
12   primary disposal area for the base from the mid-forties to  
13   the late seventies. And it's known to contain general  
14   refuse, construction debris, solvents, acid, paint cans,  
15   creosote-treated timbers, and asbestos.

16           So the Navy's recommendation is for capping the  
17   landfill. And there's a Record of Decision currently in  
18   progress that's under negotiation with the Navy and the  
19   regulator agencies.

20                               --o0o--

21           MS. CANEPA: The last title area site is Site 30.  
22   It's a very small site. It's less than an acre. It's  
23   also a historic municipal landfill, situated on a wetland.  
24   And the contaminants are metals, primarily lead. And a  
25   removal action is proposed for this site. So it's still

1 in the remedial investigation stage.

2 --o0o--

3 MS. CANEPA: Okay. Moving on to the inland area.

4 The inland area is not actively used by the Navy. It's

5 kind of in a mothball stage. There are some

6 administrative buildings, but the most active operations

7 aren't occurring any longer at the inland area.

8 There's also a Tule Elk reserve. A large portion

9 of the inland area, this whole area, is reserved for Tule

10 Elk.

11 And other portions of the inland area are leased

12 to cattle farmers for cattle grazing.

13 --o0o--

14 MS. CANEPA: The predominant habitat in the

15 inland area is grassland, depicted here. This is -- it's

16 non-native annual grassland.

17 --o0o--

18 MS. CANEPA: The main receptors in the inland

19 area include:

20 U.S. Navy office and maintenance workers.

21 Some of the plants receptors are mainly grasses.

22 There's no special status plants that are known to occur

23 in the inland area.

24 Some of the animals of concern: The red-legged

25 frog has been documented in the inland area. Some

1 representative species include a red-tailed hawk, coyote,  
2 and Tule Elk.

3 --o0o--

4 MS. CANEPA: Okay. The first inland area site  
5 we'll talk about is Site 13, which is right here. Site 13  
6 is a former burn area that was also used for training fire  
7 fighters.

8 The contaminants include petroleum and metals.  
9 And in 1997 23 cubic yards of napalm contaminated soil was  
10 removed from Sight 13. A remedial investigation was  
11 conducted at the site and found that no significant risk  
12 was posed to human health or the ecosystem. And a Record  
13 of Decision has been submitted to the agencies for review  
14 and signature recommending no further action for this  
15 site.

16 --o0o--

17 MS. CANEPA: Site 17 in the inland area, situated  
18 right here along Kinne Boulevard, is a fork-lift shop that  
19 was formally used to store lead-acid batteries and for  
20 fork-lift maintenance.

21 The contaminants of concern include petroleum and  
22 metals. And the remedial investigation found that there  
23 was no significant risk posed by this site. And this site  
24 also is in the Record of Decision phase. A ROD has been  
25 submitted to the agencies for their review and signature

1 recommending no action at this site.

2 --o0o--

3 MS. CANEPA: Site 22, down here, is centered  
4 around building 7SH5, which is a missile wing fin repair  
5 facility.

6 The contaminants at that site are metals,  
7 including arsenic and petroleum. Remedial investigation  
8 was done at the site and found that there's no significant  
9 risk to humans or the environment from contaminants on the  
10 site. However, there was concern about high levels of  
11 arsenic on site. So there's a supplemental investigation  
12 ongoing right now to evaluate arsenic concentration at the  
13 site and whether they're naturally reoccurring or related  
14 to navy operations.

15 --o0o--

16 MS. CANEPA: Site 27 is located up here. This is  
17 centered around two buildings, Building IA-20, which is a  
18 former chemical laboratory; and then building IA-36, which  
19 is a boiler house.

20 This is the laboratory building and this is the  
21 boiler house.

22 And the contaminants of concern are chlordane,  
23 which is a pesticide, and petroleum. Remedial  
24 investigation was done for the site. And that found that  
25 there was risk posed to permanent receptors from chlordane

1 at the site. And so there's a feasibility study currently  
2 in process.

3 --o0o--

4 MS. CANEPA: Site 29, which is located -- this  
5 dot right here -- is centered around building IA-25, which  
6 is a building that was used to make and test military  
7 explosives.

8 And the contaminants of concern here are mainly  
9 metals. A remedial investigation found that there was  
10 risk posed to ecological receptors from lead at the site.

11 This is underneath the building in what's known  
12 as the crawl space. And this was where risk was indicated  
13 to eco receptors.

14 So a feasibility is currently in progress. And  
15 the Navy's recommendation at the site is to demolish the  
16 building and remove contaminated soil.

17 --o0o--

18 MS. CANEPA: The last group of sites that I'll  
19 cover tonight and the last group of sights at Concord is  
20 this group right here, known as the SWMU sites, solid  
21 waste management unit Sites 2, 5, 7 and 18. And this is a  
22 cluster of operations and maintenance buildings. There's  
23 a fire station, locomotive repair, metal shop, paint shop,  
24 steam cleaning, heavy equipment shop.

25 There's a remedial investigation currently

1 underway for this group of sites. And the concern is  
2 solvents in groundwater and soil.

3 --o0o--

4 MS. CANEPA: So with that, that concludes the  
5 overview of all of the sites.

6 If you have any questions, I'll be happy to  
7 entertain them.

8 NAVY CO-CHAIRPERSON MORLEY: Any questions?

9 ADVISORY BOARD MEMBER TANASESCU: I have just a  
10 comment to make at the end after the questions and answers  
11 are done.

12 NAVY CO-CHAIRPERSON MORLEY: Okay. Does anybody  
13 have any comments or questions on that presentation?

14 I guess it's yours, Gay.

15 ADVISORY BOARD MEMBER TANASESCU: It's really not  
16 about the content of your presentation. But I just wanted  
17 to note here at a previous RAB meeting one of the other  
18 RAB members expressed their concern about being  
19 photographed without permission. And an apology was made.  
20 And it really is egregious at this point to turn around  
21 and see RAB members as part of your presentation on screen  
22 after it's already been voiced that there are certain  
23 people who objected to having their photographs taken  
24 without permission.

25 MS. CANEPA: I was at the meeting when that



1 individual expressed that concern. And I apologize if  
2 that offends individuals --

3 ADVISORY BOARD MEMBER TANASESCU: There are  
4 individuals who have the same concerns. Just because they  
5 weren't voiced doesn't mean that that person is the only  
6 one who's having a problem with it.

7 MR. McGEE: Could I say something about that  
8 public meeting?

9 Ed McGee.

10 This being a public meeting, if anybody wants to  
11 come in here, take pictures -- I used to do it with a  
12 camera at meetings, it can be done.

13 ADVISORY BOARD MEMBER TANASESCU: But my point  
14 goes that this isn't -- this isn't a public member who's  
15 coming in to take pictures of a public meeting. This was  
16 a private touring and this is part of someone's  
17 presentation, which is a little bit different context.

18 MR. McGEE: Well, if I just being a public member  
19 wanted to go on that tour with you, would you tell me no?

20 MS. CANEPA: (Ms. Canepa shakes head.)

21 ADVISORY BOARD MEMBER TANASESCU: I don't know.  
22 Different parameters. But that's not what I'm talking  
23 about.

24 MR. McGEE: Well, if the public is allowed to go,  
25 then you can take pictures or whatever. And I was sitting

1 there the last time that somebody over here got upset and  
2 he was entirely incorrect.

3 ADVISORY BOARD MEMBER TANASESCU: But the public  
4 isn't putting you in someone's presentation to --

5 MR. MCGEE: That's not the point. That's  
6 irrelevant.

7 ADVISORY BOARD MEMBER TANASESCU: I'm just trying  
8 to address the concerns of -- that people have about  
9 privacy issues as well as just a little bit of respect.

10 MR. MCGEE: But this is an open public meeting.  
11 There are no -- there is no privacy.

12 NAVY CO-CHAIRPERSON MORLEY: I think that you're  
13 probably right -- you're right public at a meeting. But  
14 I'm sorry, not for presentations.

15 ADVISORY BOARD MEMBER TANASESCU: Thank you.

16 NAVY CO-CHAIRPERSON MORLEY: Mary Lou.

17 ADVISORY BOARD MEMBER WILLIAMS: I was just  
18 curious, on Site 13. What does napalm residue consist of?  
19 What is it?

20 MR. PINARD: Do you want -- it's Benzene -- in  
21 the classic sense, the formula is Benzene gasoline. And  
22 it can be Polystyrofoam, but depending on how it's mixed  
23 and when it was mixed. But those are the ingredients.  
24 Tide soap was used at various times.

25 ADVISORY BOARD MEMBER RAMSEY: But that's the

1 important thing, though, Tom. It's gasoline essentially,  
2 a foam gasoline or they use aluminum or something, right.

3 MR. PINARD: No, no. Gasoline and Benzene are  
4 the two ingredients.

5 NAVY CO-CHAIRPERSON MORLEY: Thank you, Mary Lou.

6 Okay. If that's all the comments, then we'll go  
7 ahead with the SMP update. But don't worry. It's pretty  
8 short, you won't be here too much longer.

9 Go ahead, Gil.

10 ADVISORY BOARD MEMBER RIVERA: Thank you.

11 My name is Gil Rivera. As I stated here  
12 previously, I am project manager for the clean-up --  
13 environmental clean-up of Concord conducting CERCLA  
14 response action.

15 A couple of comments were made earlier as to  
16 what's going on at the site. So I'm going to diverge  
17 briefly from my comments here, and basically state that  
18 what we're doing here is conducting a response under the  
19 federal law known as CERCLA or the Superfund law -- the  
20 Comprehensive Environmental Response Compensation and  
21 Liability Act.

22 When that law was first enacted it did not apply  
23 to federal sites. About a year or so later Congress  
24 revised the law with the Superfund Amendments and  
25 Reauthorization Act and said, "Now, federal government,

1 you're held to the same standard as the private sector.".

2           So if you look at that law, it goes very, very --  
3 it progresses through the study of the site. It's very  
4 step-wise oriented. It tells you what to do first,  
5 preliminary assessment, site investigations, and so on,  
6 all the way through the entire process of conducting a  
7 CERCLA response action. So what we're doing here is  
8 following federal law, similar to what EPA does on federal  
9 sites.

10           The Navy met with the agencies, as I stated in my  
11 program manager's report, on the 9th of July.

12           That meeting was primarily to go over the  
13 comments on the Site Management Plan, which is a schedule.  
14 Just so you know, that once a site is determined to be on  
15 the national priorities list site, there is a requirement  
16 that Navy enter into a negotiated agreement with U.S. EPA.  
17 Part of the requirements of that particular negotiated  
18 agreement is that there be a scheduled sale for  
19 prosecution of the work, meaning that you have to indicate  
20 by site your progression as you're going through and  
21 comply with the federal law, the CERCLA or the Superfund  
22 law.

23           Just one fine point. Concord is not a Superfund  
24 site. And this is -- granted, this is, you know,  
25 splitting hairs here. But Superfund refers to the fund

1 source for conducting the clean up. The funds for the  
2 clean up at Concord come directly from the defense budget  
3 under a subappropriation known as Environmental Response,  
4 Navy. So these are defense dollars that we're using here.

5           Anyway, with that said, we did -- once again we  
6 did have that meeting. Navy had the meeting with the EPA  
7 on the 9th of July. EPA conveyed to us their concerns  
8 about the Site Management Plan. And it was quite a  
9 lengthy meeting, better part of the day.

10           Navy came away with that -- with their comments.  
11 And subsequently EPA provided on 17 July formal comments  
12 on the Site Management Plan.

13           Now, Mr. Ramsey and I have been speaking, you  
14 know, on the aspects of the Site Management Plan. And we  
15 talked about the sites at Concord. And these are the Navy  
16 EPA site prioritization of the sites. Now, strangely  
17 enough, Navy and EPA agreed that these are the sites and  
18 the priorities that we would like to see the sites  
19 progress through in the CERCLA response action.

20           Okay. Let me say that all of these sites  
21 continue to move to completion. The priorities might be  
22 different with respect to what one person thinks over  
23 another. But I want to make sure that you understand that  
24 the sites do continue to move. There are no sites there  
25 that are not moving. Meaning that if someone has a

1 different priority, they wouldn't want to see the tidal  
2 area sites higher priority than the litigation area. I  
3 can assure you that the tidal area sites are in fact  
4 moving through the process.

5           As you can see, the -- this particular list, by  
6 the way, includes all the sites that were just explained  
7 in the site overview. They are all included. Even though  
8 they're not called out specifically by number, they are  
9 included in that listing of sites.

10           Subsequent to the meeting that we had on setting  
11 priorities for the Site Management Plan, Navy -- the  
12 environmental counsel, my managers, and I met to consider  
13 the Record of Decision and the timeline associated with  
14 the tidal area landfill. Because the tidal area landfill  
15 Record of Decision is currently in dispute, Navy made a  
16 decision that we could not, with a clear conscious, go  
17 forward and award a construction contract for the capping  
18 of the site.

19           Why? Because we had not -- no agreement on the  
20 tidal area landfill Record of Decision. So what we did is  
21 said, okay, that coin has two sides. The first and most  
22 beneficial effect was that the -- in not awarding the  
23 construction of the landfill cap, the funds that we had  
24 programmed for expenditure during this fiscal year  
25 suddenly became available to execute other work. And so

1 we were able to take all these sites and fund future work  
2 as well as accelerate the sites so they all kept moving  
3 through the process.

4           Like I said, there's another side to the coin.  
5 By not awarding the construction of the cap, we had to  
6 defer the programing of that cap to future fiscal years.  
7 The landfill cap we are hopefully programming for fiscal  
8 year '03, '04 and hopefully will be complete by '05 --  
9 2005.

10           One thing I wish to mention though is that  
11 funding is not a certainty. If you recall, these sites  
12 are funded through the defense budget. Okay, given the  
13 current state of affairs throughout the world, if push  
14 comes to shove and the military needs the fundings, our  
15 funds will likely be cut back or held back. So we -- at  
16 that time we will move forward and try to look at the  
17 priorities in sight and try to execute as much of the work  
18 as we can.

19           The understanding at the highest levels of  
20 Department of Defense, Navy and Air Force and -- what's  
21 the other service? Navy, Air Force, and --

22           MR. PINARD: Army.

23           ADVISORY BOARD MEMBER RIVERA: -- Army.

24           Well, we understand that the work has to  
25 progress. We can't stop. You can't say, "Gee, we don't

1 have any money. We're not doing anything more with  
2 CERCLA." It doesn't work that way. We have to comply  
3 with federal law. So if the monies are either set aside  
4 or delayed, we have to move forward with the clean up of  
5 the sites.

6           Okay. Like I said -- I'm still talking about the  
7 tidal area landfill cap. We do have an agreement to  
8 characterize groundwater in the area adjacent to the tidal  
9 area landfill. By deferring the construction of the cap,  
10 we are in turn deferring the characterization of the  
11 groundwater in the area. Because when we construct the  
12 cap, we will have to pull back the toe of the landfill,  
13 meaning the most shallow end, the outer portion of the  
14 landfill. We have to pull that waste back, that soil that  
15 has been deposited there, whatever the case may be. And  
16 that is the most appropriate place to install the wells  
17 for characterizing groundwater in the area of the  
18 landfill.

19           So in deferring the cap, we also defer the  
20 characterization of groundwater. But Navy is still -- has  
21 to plan. You can't sit on your hands and wait, "Well,  
22 gee, maybe the money will show up, maybe it won't." We  
23 are currently making plans to execute the cap in phases,  
24 if possible. And we have to make the plan so that we get  
25 funds that are allocated, we are able to execute the work.



1 If I got -- if I have a new requirement, say, for this  
2 year and it's not programmed, I have to take money from my  
3 other budget, trim those other budgets to execute the  
4 work. It's like a checkbook. Okay. I may still have  
5 checks, but it doesn't mean I have money. So I have to be  
6 very careful about that.

7 --o0o--

8 ADVISORY BOARD MEMBER RIVERA: SMP actions.

9 Where do we go from here? The submittal of the  
10 draft final amendment to the Site Management Plan is a  
11 requirement of the Federal Facilities Agreement. The Navy  
12 must submit the draft final amendment to the agencies for  
13 their review.

14 The actual Site Management Plan does not become  
15 final until such time as the Navy is officially notified  
16 what their budget is for Fiscal Year '03.

17 When I give official notification of what my  
18 target budget is for Fiscal Year '03, within 21 days I  
19 have to notify all parties that, "Hey, we got enough  
20 money. I can execute the projects that we have scheduled  
21 for Fiscal Year '03."

22 If I don't have enough money, also within 21 days  
23 I have to inform all parties there's a budget shortfall.  
24 And then within 30 days of that notification, the Navy and  
25 the agencies have to meet to reevaluate the milestones for

1 the Site Management Plan and reset the milestones.

2           So once again, I'd like to reiterate that this is  
3 a dynamic process. The Navy is working directly with the  
4 agencies. And as I stated previously, by strange  
5 coincidence, we agree with the priorities that EPA has.  
6 They were not done in isolation. These are done through  
7 mutual discussion, and we agree with the priorities that  
8 we have set. And we will continue to work on all sites.  
9 No work will stop.

10           And if you have any questions, I'd gladly take  
11 them.

12           NAVY CO-CHAIRPERSON MORLEY: Thank you, Gil.

13           I also wanted to add that we still welcome input  
14 from the RAB. Like we said, this is a living document.  
15 Just because it's signed on 16 August doesn't mean that we  
16 won't listen to what your priorities or what your concerns  
17 are and make adjustments if necessary.

18           Did you guys have any comments?

19           COMMUNITY CO-CHAIRPERSON O'CONNELL: What are you  
20 basing your prioritization on?

21           ADVISORY BOARD MEMBER RIVERA: The prioritization  
22 is based on many factors. It's based on, of course, the  
23 DOD relative risk ranking. Okay, that's a methodology  
24 used by Department of Defense to rank sites for a  
25 particular site against themselves. In other words, each

1 site, for instance, Concord, would apply this particular  
2 logic in the program and come up with essentially a  
3 prioritization of sites for Concord.

4           Okay. This was done early on. It's a budgeting  
5 tool. And we use that to set the original priorities.  
6 Now, please recall that the sites are already moving. So  
7 we have already exercised those priorities and the sites  
8 are moving forward.

9           Our emphasis can be changed at any time. For  
10 instance, if you look at the site prioritization list, the  
11 litigation sites were top of the list, as were the tidal  
12 area sites. Those are the sites adjacent to the bay. And  
13 we are looking forward to characterizing the groundwater,  
14 surface water, and the surface contaminants in that  
15 particular area.

16           Also, we look at the resource -- the intrinsic  
17 value of the resource, the future use of the resource, the  
18 human health risk, the ecological health risk.

19           We also look at compliance with federal law. A  
20 lot of these things that we would like to defer, we  
21 cannot. We have to take action within specified  
22 schedules, within specified periods of time.

23           We also have to take into consideration funding  
24 that's available.

25           We also have to take into consideration federal

1 fiscal law. Now, by that last statement I mean if you  
2 receive -- if we receive funds -- Navy receives funds from  
3 federal appropriation, for instance, conducting the  
4 investigation of the Taylor Boulevard Bridge, I can't, on  
5 my own, say I'm not going to do that, I'm going to use it  
6 for something else. Okay, I have to use the appropriated  
7 funds for what's programmed.

8           So if I do intend to change priorities in the  
9 site, it has to be with the approved program, the approved  
10 site work that I have there. Otherwise it becomes a new  
11 requirement.

12           New requirement for this year -- if I go back to  
13 headquarters and then say, "I have a new requirement.  
14 What shall I do?", nine chances out of ten they say, "Take  
15 it out of hide. Slow something down, cancel another  
16 project. If you really need to do it, do it, but you  
17 manage the checkbook." It's very rare that we'll get  
18 extra money to do any new work.

19           So as I said, this is a real dynamic process that  
20 we move forward through, and it's a continual exercising  
21 of looking at priorities there and working with the  
22 agencies to move through the site work.

23           Did that answer your question?

24           Any other questions?

25           COMMUNITY CO-CHAIRPERSON O'CONNELL: I'll make a

1 comment. My voice is going, too.

2 I agree that the litigation area sites and the  
3 tidal area sites are the two most important broad  
4 categories of sites. However, as I say that, I'm  
5 concerned about -- that just because they're the highest  
6 priority, they're going to be necessarily the first to be  
7 addressed or the most -- in other words, I'd like to see  
8 some delay on the tidal area landfill site until we can  
9 get a technical advisor out there. The site is -- you  
10 mentioned that you don't want to put it -- delay it  
11 because it would delay groundwater characterization or  
12 characterization of groundwater. Well, our concern and my  
13 concern is that the content of that site has never been  
14 adequately characterized by itself. We're just capping  
15 something we don't know -- really don't know what's in  
16 there. We have a very hazy idea of what's in there.

17 So, as I say, it's one of the most -- on one hand  
18 I rate it a very high priority. I don't want to see a  
19 rush through remediation. I don't want to see truckloads  
20 of dirt coming in here and actually bringing in more  
21 dirt -- the amount of dirt that we're bringing in to cap  
22 that thing is almost as much volume as the actual landfill  
23 itself.

24 We could be taking trucks in the other directions  
25 and taking it to a landfill site, and it would be, to me,

1 more efficient because it actually just takes the stuff  
2 out of the wetlands rather than buries it.

3 And, frankly, it doesn't make a lot of sense  
4 trucking dirt in when we could be trucking this mess, this  
5 landfill out, you know.

6 So how do we deal with that, the desire to get it  
7 taken care of but to hold off -- I mean, how do we take  
8 care of this? It's a very important site. It's  
9 probably -- the litigation site's very important.

10 But speaking about the landfill site, I don't  
11 want anything done precipitously at the same time. So if  
12 I word it a high priority, am I saying that it needs-- it  
13 should be first out of the gate?

14 NAVY CO-CHAIRPERSON MORLEY: Not necessarily.  
15 It's just that it's something that should be in the  
16 first -- Gil, correct me if I'm wrong -- I think we won't  
17 even know what our budget is for just FY '03 level and  
18 '04, '05 until November or December of this calendar year;  
19 is that correct?

20 ADVISORY BOARD MEMBER RIVERA: That's correct.

21 NAVY CO-CHAIRPERSON MORLEY: So we wouldn't even  
22 know how much money we're getting for that site or if that  
23 was still an issue. Like I said, we're still looking for  
24 input. It's possible that we can talk about that. But  
25 even if there was something that was going to be awarded,

1 we're looking at probably January or February. And we're  
2 hoping that if we can get that information to the Chief of  
3 Naval Operations on the TAP this week or next week, that  
4 we can get approval and get the TAP awarded in August,  
5 which would give you time to have your overview with your  
6 contractor.

7 So does that help?

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: It helps.

9 NAVY CO-CHAIRPERSON MORLEY: Gay.

10 ADVISORY BOARD MEMBER TANASESCU: When you're  
11 talking about them basically having everything ready by  
12 August, is that for both the TAP applications?

13 NAVY CO-CHAIRPERSON MORLEY: Yes, they're being  
14 processed together. So the time consuming part will be --  
15 I don't think by the time that they approve that and they  
16 send the money down -- that might be a couple weeks.  
17 Normally, it's doing the contractual part of it, because  
18 you have to go for requests for proposal, negotiate the  
19 award. But at least you'll then have a better idea of  
20 what timeframe --

21 ADVISORY BOARD MEMBER TANASESCU: I know, because  
22 they're really pushing for the litigation area to be done  
23 as well. And we were very concerned about what's going on  
24 out there.

25 NAVY CO-CHAIRPERSON MORLEY: David.

1           ADVISORY BOARD MEMBER GRIFFITH: Just for the  
2 sake of clarifying.

3           Using the logic for this landfill, it would make  
4 just as much sense or more sense to remove the existing  
5 soil and landfill as it does to bring a cap in with the  
6 same volume. I want to follow on the logic.

7           Now, understanding that it's a very standard  
8 practice for landfills, in fact there are dozens of  
9 landfills around the Bay Area that use the exact same  
10 method to cap.

11           What is the logic behind this one being  
12 different? I'm just curious to ask Marcus, just for my  
13 own --

14           COMMUNITY CO-CHAIRPERSON O'CONNELL: It's in the  
15 middle of the wetlands, of some of the most pristine  
16 wetlands in the bay area. And it hasn't adequately been  
17 characterized. No one went out there and said, "What's in  
18 that site." A cursory look was done, but not what would  
19 normally be done. Instead they went ahead with what's  
20 called a presumptive remedy, which means, "Oh, it's a  
21 landfill. Therefore, we cap it."

22           The presumptive -- the guidance from the EPA for  
23 presumptive remedies stated you could not use caps on  
24 wetland -- on landfills in wetlands.

25           ADVISORY BOARD MEMBER GRIFFITH: Around the Bay



1 Area, none of those are wetlands. Yeah, they're Bay Area  
2 sites, like -- my understanding is that a lot of them are  
3 wetlands, technically --

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: David, I  
5 can't speak for other sites. But I know that they've done  
6 it. I don't think it's very good practice to put  
7 landfills in the Bay where it's garbage -- garbage  
8 landfills. Dirt's one thing. I mean sanitary landfill is  
9 one thing. But garbage and trash and solvents and  
10 asbestos and chemicals and things --

11 ADVISORY BOARD MEMBER GRIFFITH: Yeah, you're  
12 falling right into my logic. I mean, if it's done as a  
13 practice, why would they change that practice for this  
14 particular site versus all these dozens and dozens of  
15 other sites where they're using the same practice. That's  
16 kind of -- I'm asking that just kind of in a rhetorical  
17 sense because --

18 COMMUNITY CO-CHAIRPERSON O'CONNELL: I don't  
19 know, David. But I -- and it doesn't make sense to me to  
20 dump that kind of crap in the Bay.

21 ADVISORY BOARD MEMBER GRIFFITH: That's right.  
22 But I'm just asking why would this site be treated -- if  
23 you're -- you're personally asking this site to be treated  
24 much differently because --

25 ADVISORY BOARD MEMBER TANASESCU: Can I give a

1 slight response to this.

2           ADVISORY BOARD MEMBER GRIFFITH: Yeah.

3           It's a little bit different than what he's  
4 getting to, but one of the problems some of us are having  
5 is that the designation for this landfill was a municipal  
6 landfill. The majority of us really believe it's a  
7 hazardous landfill site and should be treated as such.  
8 And the only reason it's municipal is given the year it  
9 was designated based on its contents. As I wrote in my  
10 response letter, if those ingredients were in any other  
11 landfill, it would not be considered a municipal waste.  
12 And given the sensitivity of a wetlands area, I believe  
13 that it isn't out of order to have some contents removed.

14           ADVISORY BOARD MEMBER GRIFFITH: I'm just -- I  
15 just wanted to --

16           COMMUNITY CO-CHAIRPERSON O'CONNELL: Another  
17 difference is that this is a very small site. Some of the  
18 other sites are very, very large. The depth of some of  
19 some of the other sites are 60, 80 -- could be very deep,  
20 as you know. And the land area is very large.

21           This is an 11-acre site, the deepest part being  
22 ten feet and thinner out towards the edges. So it's not  
23 that much to truck it out, I would say, relatively, I  
24 mean. We know that -- graded hills over here are taking  
25 out, moving a heck of a lot more dirt than we're talking

1 about here.

2 ADVISORY BOARD MEMBER GRIFFITH: Those sites may  
3 not have -- potentially have explosives that can --

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: It could, it  
5 could.

6 ADVISORY BOARD MEMBER GRIFFITH: Well, that was  
7 not one of the concerns of this landfill, that it'd be  
8 packed with different types of things that are hazardous  
9 to the --

10 ADVISORY BOARD MEMBER RAMSEY: No, it's --  
11 there's uncertainties. But I don't believe it's really --  
12 it's not the EPA's nor is it the Navy's, that this thing  
13 is packed with explosives though. And there's actually a  
14 lot -- I mean, the discussions, we have really been  
15 ringing the Navy through about this, this issue about  
16 being a municipal versus a hazardous waste landfill. And  
17 we have as an agency been looking at, you know, what's the  
18 other decisions that have been made at other military  
19 landfills, in particular, to ensure that we're being  
20 consistent with those discussions.

21 And I mean we'd be happy to talk about EPA's  
22 and -- or what's happened to other landfills. And we have  
23 in a certain sense. I mean some of this information has  
24 come up. And we're trying to be as consistent. And  
25 EPA -- I mean, while I'm relatively new on this project,

1 have been on Concord for about a year now, have worked on  
2 other bases, and so we can look at these other bases and  
3 things too.

4           And I have also looked at the records, because  
5 EPA has been involved in this site. And so I do have  
6 to -- to a certain extent, I mean I'm allowed to as we're  
7 going through these decisions look and ensure what has  
8 been done in the past is acceptable and potentially  
9 changed that. But we -- I also inherited this landfill  
10 project at the last -- which is what is supposed to be the  
11 last little baby step in finalizing a decision document,  
12 for whatever reason, primarily lots and lots of  
13 outstanding issues that don't quite get tightened up by  
14 the time we're at that draft final Record of Decision,  
15 there's nonetheless an agency correspondence, there's  
16 agreements from EPA as far as the amount of RI work that  
17 went into all these things. And so I have to accept that  
18 my predecessors, they did have the discussions about the  
19 amount of characterization.

20           Granted, Marcus, this thing was not made of Swiss  
21 cheese, as most landfills typically are not. But there is  
22 sampling that's been done that's been roughly --

23           COMMUNITY CO-CHAIRPERSON O'CONNELL: A very  
24 limited amount.

25           ADVISORY BOARD MEMBER RAMSEY: -- roughly -- but

1 it's roughly consistent with what is typically done at  
2 other landfills. And we've been looking at -- we've been  
3 looking at other --

4           COMMUNITY CO-CHAIRPERSON O'CONNELL: Other  
5 landfills where presumptive remedies were done and no  
6 initial investment. So the investigation process was  
7 short --

8           ADVISORY BOARD MEMBER RAMSEY: Not necessarily,  
9 not necessarily. Just -- I mean presumptive remedy is  
10 kind of a streamline not looking at every alternative in  
11 the world. Because in general landfills you're kind of  
12 down to a certain group of -- you're not doing lots of  
13 processing of waste in the waste piles. You're either  
14 digging the stuff up if it's a small enough landfill or --  
15 and it contains -- or there's some hot spot areas, say, a  
16 radiation trench or there's explosives with a treasure map  
17 and we know -- say, in Alameda where they have truckloads  
18 of explosives right there. We'll go to those landfills  
19 and they'll open them up to look for those explosives.

20           We don't believe things would be -- if there is  
21 anything, they're all mixed up in a landfill. And it's  
22 more risky to try to pick through ten acres of landfill.  
23 Exposing workers in the dirt going through this kind of  
24 work is actually more dangerous. And the military has  
25 their ordinance specialists, and they are telling us that

1 those things are becoming more stable in time; therefore,  
2 they're better off to be capped. And you prevent people  
3 from excavating in the materials. That's kind of a risk  
4 reduction.

5           And then we're dealing with the groundwater and  
6 any kind of metals that may -- you know, transport the  
7 metals for another pathway. But the cap will hold  
8 everything in place. And so a lot of the contaminants are  
9 being sealed in this cap. And that's consistent with  
10 other landfill decision like that.

11           MR. PINARD: Point of order. It's 20 minutes  
12 after -- 22 minutes after 9. I believe Gil in his  
13 presentation stated that they can't -- the landfill is off  
14 the radar scope right now. It's pending. Might not come  
15 up for -- through fiscal '04, maybe '05 before the whole  
16 thing resolves. We can do this -- we can have this  
17 discussion every meeting. But I think -- you know, this  
18 is just my professional opinion. One of the problems with  
19 this RAB is that you don't end at 9:00 o'clock. And if  
20 you want the RAB to be successful and you want to have  
21 successful meetings, and you have an agenda from 7:00 to  
22 9:00, you really should try to stick to that 7:00 to 9:00  
23 so that over time you get a reputation for having on-time  
24 meetings, and maybe there will be an influx of new RAB  
25 membership and/or community members coming to your

1 meetings.

2           That's just a little professional gem I'll give  
3 you. But this is month after month. And the landfill  
4 situation is going to be with us for two or three more  
5 years, according to Gil's statement tonight. So at  
6 another time we can devote a whole meeting to it. We've  
7 already devoted many, many meetings to it.

8           That's my suggestion.

9           NAVY CO-CHAIRPERSON MORLEY: Does anybody else  
10 have any comments, or would you like to set the agenda for  
11 the next meeting? We can talk about the landfill.

12           (Laughter.)

13           COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, have  
14 we done anything with this issue for us to make any  
15 decisions?

16           NAVY CO-CHAIRPERSON MORLEY: With the Site  
17 Management Plan?

18           COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah.

19           NAVY CO-CHAIRPERSON MORLEY: Well, the last time  
20 we brought up the subject -- review of the IR sites, which  
21 we gave tonight. And that was one of the things that you  
22 wanted to also -- I think you'd asked for documents that  
23 were -- at that time it was the landfill to reference  
24 section of -- I'm sorry -- yeah, the reference section of  
25 the landfill because we discussed specifically the

1 wetlands delineation document, that we're still looking  
2 for. Now, in light of this new discussion tonight, that  
3 that's probably going to be put off.

4 Is that still your number one priority as far as  
5 getting information?

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: The wetlands  
7 delineation?

8 NAVY CO-CHAIRPERSON MORLEY: Yes.

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah, for me  
10 personally it's very high up, yes.

11 NAVY CO-CHAIRPERSON MORLEY: And again there --  
12 the EPA and the Navy are going to be not finalizing but  
13 putting forth these priorities that Gil had in his slide  
14 on August 16th. But, like I said, it is a living  
15 document. Things aren't set in stone until the budget  
16 comes down, which is probably November. And we're still  
17 open to your priorities and your concerns as far as this  
18 is concerned.

19 ADVISORY BOARD MEMBER TANASESCU: Do we have  
20 copies of Gil's slides anywhere?

21 ADVISORY BOARD MEMBER RIVERA: Yes. They were  
22 sitting right here.

23 NAVY CO-CHAIRPERSON MORLEY: And, Marcus, I need  
24 to get the full title of that wetlands delineation report  
25 because it was listed as a reference in the ROD. So I



1 wasn't quite sure what year or where that report came  
2 from.

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: What --

4 NAVY CO-CHAIRPERSON MORLEY: The wetlands --

5 COMMUNITY CO-CHAIRPERSON O'CONNELL: It's listed  
6 in -- I think it's listed in the ROD, in the bibliography.

7 Yeah, here they are.

8 NAVY CO-CHAIRPERSON MORLEY: Because I couldn't  
9 find it. So can you double check that for me.

10 No, it wasn't in a reference section of the ROD.  
11 So can you tell me when you -- so I can get the title and  
12 the --

13 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'll get  
14 that to you.

15 NAVY CO-CHAIRPERSON MORLEY: Thank you. I'd  
16 appreciate that.

17 Okay. Does anyone have a suggested -- I'm sorry,  
18 Tom.

19 MR. PINARD: Are you going to get to where the  
20 meeting is next month? I didn't --

21 NAVY CO-CHAIRPERSON MORLEY: We probably won't  
22 change before next month.

23 MR. PINARD: Okay, good, because that --

24 NAVY CO-CHAIRPERSON MORLEY: What I wanted to do,  
25 again, is send out an e-mail to everybody about the places

1 that we visited, where they are, what the rooms were like,  
2 the pluses and minuses. And maybe we can discuss that and  
3 vote on it next month. We can make that agenda item.

4 Were there any other agenda items that anyone  
5 wanted to bring up?

6 ADVISORY BOARD MEMBER TANASESCU: I assume we'll  
7 be continuing our discussion on the community relations  
8 plan.

9 NAVY CO-CHAIRPERSON MORLEY: Okay. Well, we're  
10 probably going to have a separate meeting. But do you  
11 want me to add that as an agenda item too, because we'll  
12 probably have a meeting before then?

13 ADVISORY BOARD MEMBER TANASESCU: It would be  
14 nice because then maybe we could bring forth a summary of  
15 some kind or something for the public that shows up.

16 NAVY CO-CHAIRPERSON MORLEY: Okay.

17 ADVISORY BOARD MEMBER O'BRIEN: Well, if we only  
18 have one item for the next meeting, why don't we just do  
19 the public relations plan and not have a separate meeting.

20 NAVY CO-CHAIRPERSON MORLEY: Okay. And have  
21 almost two hours to talk about that? Is that okay with  
22 everybody?

23 ADVISORY BOARD MEMBER TANASESCU: Is there any  
24 other issues that -- is there anything on the deadline --

25 NAVY CO-CHAIRPERSON MORLEY: We went off the

1 schedule just because we want to get this resolved before  
2 we -- so that right now there are no schedules for  
3 interviews or anything --

4 ADVISORY BOARD MEMBER TANASESCU: No, I mean --  
5 I'm talking about deadlines of documents and other things  
6 coming up that we need to talk about.

7 NAVY CO-CHAIRPERSON MORLEY: Oh, I'm sorry, I'm  
8 sorry.

9 No, I don't know the answer to that question.  
10 But we can -- I will find out for you. And if there is,  
11 we can put that on the agenda.

12 COMMUNITY CO-CHAIRPERSON O'CONNELL: Would we be  
13 amenable potentially to a date meeting twice a month, in  
14 one month?

15 ADVISORY BOARD MEMBER O'BRIEN: If you need to,  
16 yes.

17 NAVY CO-CHAIRPERSON MORLEY: Although I think Ray  
18 brought up a point that if we only have two agenda items  
19 in the meeting room discussion and the CRP, that we could  
20 probably go ahead and just have the RAB because we have  
21 almost 2 hours to discuss this --

22 COMMUNITY CO-CHAIRPERSON O'CONNELL: But there's  
23 no pending documents coming up?

24 NAVY CO-CHAIRPERSON MORLEY: I have to take a  
25 look at that, so I don't know. And I'll let you know.

1           COMMUNITY CO-CHAIRPERSON O'CONNELL: If there's  
2 going to be a lot coming up or something, I think -- at  
3 least heard some willingness to consider a meeting in the  
4 interim, as long as the meeting's announced to everybody.

5           NAVY CO-CHAIRPERSON MORLEY: Okay.

6           MR. PINARD: Are you in fact meeting on the 9th?

7           NAVY CO-CHAIRPERSON MORLEY: Yes, September 9th,  
8 because the second is a holiday. So it's going to be the  
9 second Monday of the month, unless you want to meet on  
10 Memorial Day. We'd have a barbecue.

11           Just an idea.

12           MR. PINARD: Labor Day.

13           NAVY CO-CHAIRPERSON MORLEY: Thank you.

14           ADVISORY BOARD MEMBER TANASESCU: If indeed it  
15 comes down to a meeting twice, do you want to set up a  
16 tentative day maybe towards the end of this month?

17           NAVY CO-CHAIRPERSON MORLEY: Okay. And you said  
18 you prefer at 6:00 o'clock, right, because of -- to come  
19 home from work and everything? After 6:00?

20           ADVISORY BOARD MEMBER TANASESCU: I didn't give a  
21 time. Did you?

22           ADVISORY BOARD MEMBER O'BRIEN: Well, I can do  
23 6:00, but I don't know about other people.

24           ADVISORY BOARD MEMBER WILLIAMS: I can. I'm  
25 retired.

1           MR. PINARD: Point of information. If we had a  
2 interest in a RAB candidate that -- and we have had a vote  
3 on it, is there a question about the procedure?

4           NAVY CO-CHAIRPERSON MORLEY: Yeah, I asked about  
5 it for Rudy because the RAB asked for a copy of his  
6 membership, and Rudy said he forwarded it to Seal Beach.  
7 So I need to get in touch with Dave Bailey, and he's  
8 currently on vacation. But I will try to find that out --  
9 I wrote myself a note.

10          COMMUNITY CO-CHAIRPERSON O'CONNELL: It's my  
11 understanding that the community RAB members -- approved  
12 community RAB members, I've seen in DOD guidance. So I'm  
13 surprised that it goes to the Navy to approve our  
14 community member.

15          ADVISORY BOARD MEMBER RAMSEY: I mean typically  
16 the Navy would like the RAB -- the co-chair would get  
17 those and share them with the community co-chair and CC  
18 these things right away. And then you decide and then  
19 send it to the Navy for their formal approval.

20          MR. SMITH: I think we need to put an actual  
21 procedure in writing into place here so you know how to do  
22 this in the future.

23          NAVY CO-CHAIRPERSON MORLEY: But, Ray, advise me  
24 on this tomorrow, and I'll try to track that down and get  
25 that to you. Dave Bailey's on vacation right now. But

1 I'm sure we can find it and send that out to you.

2           ADVISORY BOARD MEMBER RAMSEY: Just handed us a  
3 community -- the CIP is the only thing on the agenda  
4 though.

5           NAVY CO-CHAIRPERSON MORLEY: Interim and then any  
6 pending documents further.

7           Thank you everybody.

8           (Thereupon the Naval Restoration Advisory  
9 Board adjourned at 9:30 p.m.)

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## 1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing Naval Restoration Advisory Board meeting was  
7 reported in shorthand by me, James F. Peters, a Certified  
8 Shorthand Reporter of the State of California, and  
9 thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said meeting nor in any  
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 21st day of August, 2002.

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